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# PENNSYLVANIA BULLETIN

Volume 47

Number 24

Saturday, June 17, 2017 • Harrisburg, PA

Pages 3325—3478

**Agencies in this issue**

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Department of Banking and Securities

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Transportation

Environmental Quality Board

Executive Board

Game Commission

Insurance Department

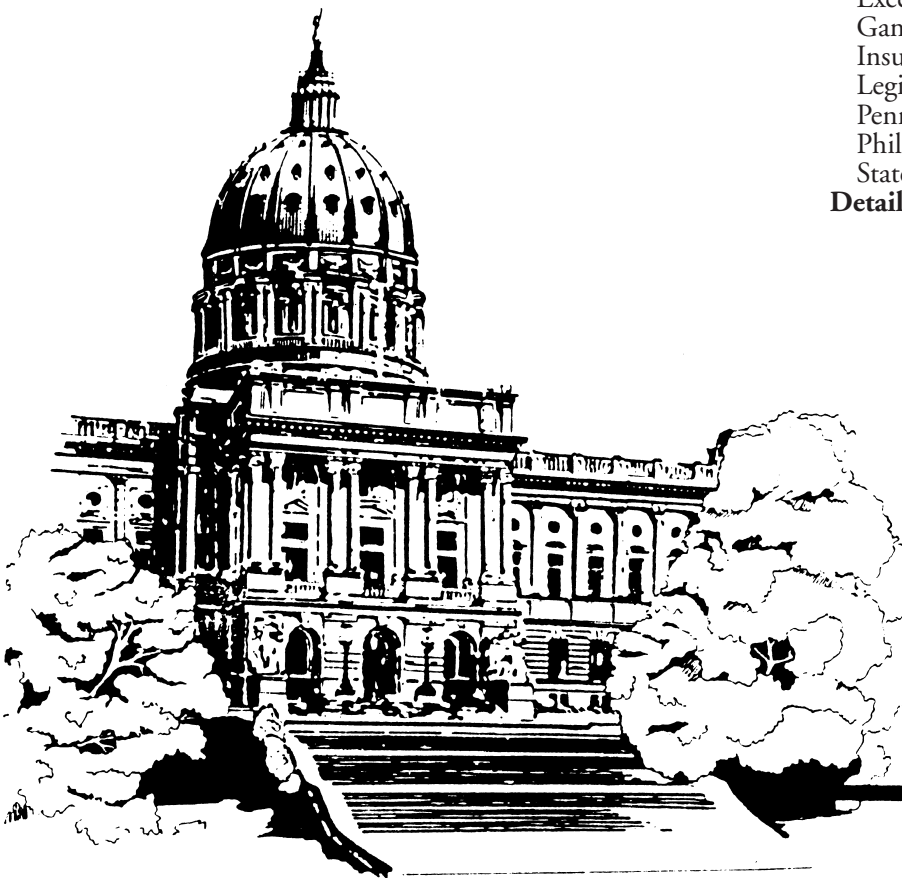
Legislative Reference Bureau

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Nursing

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 511, June 2017**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1915 ]

#### Proposed Amendment of Pa.R.C.P. Nos. 1915.3 and 1915.3-2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 1915.3 and 1915.3-2, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by August 7, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*

#### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.3. Commencement of Action. Complaint. Order. Inquiry.

(a) Except as provided by subdivision (c), an action shall be commenced by filing a verified complaint substantially in the form provided by [ Rule ] Pa.R.C.P. No. 1915.15(a).

(b) An order shall be attached to the complaint directing the defendant to appear at a time and place specified. The order shall be substantially in the form provided by [ Rule 1915.15(b) ] Pa.R.C.P. No. 1915.15(c).

**Official Note:** See [ § 5430(d) of the Uniform Child Custody Jurisdiction and Enforcement Act, ] 23 Pa.C.S. § 5430(d), relating to costs and expenses for appearance of parties and child, and 23 Pa.C.S. § 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

(c) A claim for custody which is joined with an action of divorce shall be asserted in the complaint or a subsequent petition, which shall be substantially in the form provided by [ Rule ] Pa.R.C.P. No. 1915.15(a).

**Official Note:** [ Rule ] Pa.R.C.P. No. 1920.13(b) provides that claims which may be joined with an action of divorce shall be raised by the complaint or a subsequent petition.

(d) If the mother of the child is not married and the child has no legal or presumptive father, then a putative father initiating an action for custody must file a claim of paternity pursuant to 23 Pa.C.S. § 5103 and attach a copy to the complaint in the custody action.

**Official Note:** If a putative father is uncertain of paternity, the correct procedure is to commence a civil action for paternity pursuant to the procedures set forth [ at Rule ] in Pa.R.C.P. No. 1930.6.

[ (e) A grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5323 must plead, in paragraph 9 of the complaint set forth at Rule 1915.15(a), facts establishing standing under § 5324(3). A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead, in paragraph 9 of the complaint, facts establishing standing pursuant to 23 Pa.C.S. § 5325.

(f) ] (e) An unemancipated minor parent may commence, maintain or defend an action for custody of the minor parent's child without the requirement of the appointment of a guardian for the minor parent.

(f) After a party initiates a custody action, whether by complaint or petition:

(1) the court shall determine if:

(i) the child is the subject of a proceeding within the jurisdiction of the juvenile dependency court;

(ii) the child had been previously adjudicated dependent;

(iii) services have been provided to the child's family by a child protective services agency; or

(iv) an investigation of the child's family has been initiated by a child protective services agency.

**Official Note:** See Pa.R.J.C.P. No. 1120 for the definition of proceeding within the context of a juvenile dependency case.

(2) Upon indication of the existence of the circumstances described in subdivision (1)(i), the judge assigned to the custody action shall communicate directly with the dependency court judge and thereafter make a determination whether the custody action should be stayed or proceed in accordance with Pa.R.C.P. No. 1915.4.

(i) If the custody action is stayed by the custody court, the court shall indicate in its order staying the custody action the circumstances in which the stay will be lifted and the custody action may proceed.

(ii) Upon lifting of the stay, a party to the custody action may petition the custody court to schedule the initial in-person custody proceeding or the court on its own motion may issue a scheduling order.

(3) Upon indication of the existence of any circumstance described in subdivision (1)(ii)—(iv), the court shall proceed in a manner necessary to fulfill its obligation under 23 Pa.C.S. § 5328(a)(2.1) as to the parties, their household members, and the child when ordering any form of custody.

**Official Note:** See 23 Pa.C.S. §§ 5329.1 and 6340(a)(5.1) and 42 Pa.C.S. § 6307(a)(4.1).

**Rule 1915.3-2. Criminal Record or Abuse History.**

(a) *Criminal Record or Abuse History Verification.* A party must file and serve with [ the ] a complaint, [ any ] petition for modification, [ any ] counterclaim, [ any ] petition for contempt, or [ any ] count for custody in a divorce complaint or counterclaim, a verification regarding [ any ] the criminal record or abuse history of that party and anyone living in that party's household. The verification shall be substantially in the form set forth in subdivision (c) [ below ]. The party must attach a blank verification form to a complaint, counterclaim, or petition served upon the other party. Although the party served need not file a responsive pleading pursuant to [ Rule ] Pa.R.C.P. No. 1915.5, he or she must file with the court a verification regarding his or her own criminal record or abuse history and that of anyone living in his or her household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not

later than 30 days after service of the complaint or petition. A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party. [ Both ] The parties shall file and serve updated verifications five days prior to trial.

(b) *Initial Evaluation.* At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal record or abuse history of [ either ] a party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal [ history ] record or a party with a household member who has a criminal [ history ] record, pending the party's or household member's evaluation and/or counseling.

**Official Note:** The court shall consider evidence of a criminal record or abusive history and the verification required by subdivision (c) presented by the parties. [ There is no obligation for the court to conduct an independent investigation of the criminal record or abusive history of either party or members of their household. ] The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member, and whether the offense involved violence.

(c) *Verification.* The verification regarding criminal record or abuse history shall be substantially in the following form:

(Caption)

**CRIMINAL RECORD/ABUSE HISTORY VERIFICATION**

I \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a [ crime below, neither I nor any other member of my household have been convicted or pled guilty or ] listed crime or offense, neither I nor a member of my household has been convicted, pled guilty, pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes or offenses in Pennsylvania or a substantially equivalent crime or offense in [ any other jurisdiction ] another state, including pending charges:

Check all that apply	Crime				Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
		*	*	*				
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)				<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	42 Pa.C.S. § 62A14 (relating to contempt for violation of protection order or agreement)				<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol				<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

[ 2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct, or involvement with a Children & Youth agency, including the following:

<i>Check all that apply</i>		<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____ ]

2. Unless I have checked a box next to one of the following statements, none of the statements is true with regard to a member of my household, a child of mine, or me.

<i>Check all that apply</i>		<i>Self</i>	<i>A household member</i>	<i>Child</i>
<input type="checkbox"/>	Involvement with a Children & Youth Agency in Pennsylvania or similar agency in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency in Pennsylvania or similar agency in another state. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	An adjudication of dependency or delinquency under the Juvenile Act in Pennsylvania or similar law in another state. Is the case active? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A history of abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar law in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A history of sexual violence or intimidation as defined under the Protection of Victims of Sexual Violence and Intimidation Act in Pennsylvania or similar law in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

\* \* \* \* \*

#### Recommendation 154

The Domestic Relations Procedural Rules Committee ("DRPRC") is proposing an amendment to Pa.R.C.P. No. 1915.3, Commencement of Action. Complaint. Order, and Pa.R.C.P. No. 1915.3-2, Criminal Record or Abuse History. Act 107 of 2013 ("Act") became effective on January 1, 2014, and directed that a custody court consider child abuse and the involvement of a party or child with a child protective services agency when making a child custody determination under 23 Pa.C.S. §§ 5321—5340. The Act further required the Department of Public Welfare, now the Department of Human Services, local county children

and youth social services agencies, and the courts of common pleas to cooperate with the exchange of information necessary for the determination of a child custody order.

The Act amended not only Title 23 as it relates to child custody, but also the Child Protective Services Law, 23 Pa.C.S. §§ 6301—6375, and the Juvenile Act, 42 Pa.C.S. §§ 6301—6375. As the Act amended the domestic relations law and juvenile law, a subcommittee of members of the DRPRC and the Juvenile Court Procedural Rules Committee met to discuss the interplay between the Act, the two bodies of procedural rules, and the local practice in the courts of common pleas. The subcommittee met several times to discuss various resolutions to the statutory changes and challenges. The DRPRC previously published for public comment this Recommendation in



the *Pennsylvania Bulletin*, 46 Pa.B. 3932 (July 23, 2016). The subcommittee reconvened to discuss the comments received and, subsequently, it revised the proposed amendments. The DRPRC is now republishing the Recommendation with those revisions.

In reviewing the comments, the DRPRC noted that some comments objected to the proposed requirement that the court makes inquiries into the dependency proceedings of the child. The comments suggested this type of action by a judge would be investigatory in nature and not an appropriate role for the judiciary. However, Act 107 of 2013 amended 23 Pa.C.S. § 5328(a)(2.1) and imposed upon the court the duty to determine the information outlined in 23 Pa.C.S. § 5329.1 relating to child abuse and involvement with protective services when awarding any type of custody. The statute now provides for information sharing between the county agency, the juvenile court, and the custody court to further the mandate. The proposed rule amendments are 'implementing rules' and, as such, provide a means for the custody court to obtain the statutorily mandated information from the child protective services agency and the juvenile court. With the dual issue of a significant number of *pro se* custody litigants and that not all custody parties are also parties to the companion juvenile dependency case, which would allow the party access to the juvenile docket and file, the subcommittee and the DRPRC agreed the custody judge might be the only person able to obtain all of the relevant dependency information to fulfill the statutory requirement imposed on the custody court prior to awarding custody to a party. As such, the proposed amendments maintain the judiciary's hands-on approach to acquiring the initial juvenile dependency information in Pa.R.C.P. No. 1915.3(f).

However, as the previously proposed amendment to Pa.R.C.P. No. 1915.3 required a stay of custody proceedings after determining that the child or child's family had involvement with the dependency court, the revised Recommendation provides for the custody court to communicate with the dependency court and afterward, the custody judge would determine if a stay was necessary for the custody action based on criteria outlined in proposed Pa.R.C.P. No. 1915.3(f). This revision provides flexibility for the custody court to determine how best to move the case forward.

In conjunction with these proposed amendments, the Juvenile Court Procedural Rules Committee is proposing amendments to the dependency rules to provide for a resolution of communicating the result of the terminated dependency action on the custody docket. Proposed amendments to Pa.R.J.C.P. 1409, 1515 and 1631 propose that the dependency court would generate a custody order when the court terminates supervision or dismisses a petition because of the availability of a ready, willing, and able parent which would be filed under seal in the prothonotary's office and served on the parties to the dependency action. In the event a party believes a modification of the custody order is necessary in the future, the action would proceed through the domestic relations court.

The DRPRC invites comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-984. Filed for public inspection June 16, 2017, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 1, 5 AND 11 ]

#### Proposed Adoption of Pa.R.J.C.P. 148, 1146 and 1148; Proposed Amendment of Pa.R.J.C.P. 195, 512 and 1147

The Juvenile Court Procedural Rules Committee proposes the adoption of Rules 148, 1146, and 1148, together with the amendment of Rules 195, 512, and 1147 to improve the Rules of Juvenile Court Procedure as they relate to the educational needs of juveniles and children, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by August 7, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court  
Procedural Rules Committee

KELLY L. McNANEY, Esq.,  
Chair

### Annex A

#### TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART B(1). EDUCATION AND HEALTH OF JUVENILE

(Editor's Note: The following rule is proposed to be added and printed in regular type to enhance readability.)

#### Rule 148. Educational Stability & Removal from Home.

A. *General Rule.* Any order resulting in the removal of the juvenile from home shall address the educational stability of the juvenile.

B. *School of Origin.* A juvenile removed from home shall remain in their school of origin unless the court

finds remaining in the school of origin is not in the juvenile or community's best interest. If the court finds that it is not in the best interest for the juvenile to remain in the school of origin, then the court may order the juvenile to be enrolled in another school that best meets the juvenile's needs.

*C. Another School.* If a court orders the juvenile to be enrolled in another school pursuant to paragraph (B), then the juvenile shall attend a public school unless the court finds that a public school is not in the best interest of the juvenile or the community.

### Comment

This rule is intended to apply at any point in a delinquency proceeding when the juvenile is removed from home, including pre-dispositional detention placement and post-dispositional modification resulting in the juvenile's out of home placement or a change to that placement. This rule is intended to complement rather than supersede the requirements of Rule 512(D)(6).

In paragraph (B), the best interest determination should be based on factors including the appropriateness of the current educational setting considering the juvenile's needs, the proximity of the school of origin relative to the placement location, and the protection of the community. This paragraph is intended to facilitate educational stability while the juvenile remains under the jurisdiction of the Juvenile Court and to codify the presumption that a juvenile is to remain in their school of origin absent evidence that it is not in the best interest of the juvenile or community to do so.

In paragraph (C), circumstances indicating that it may not be in the best interest for the juvenile to attend a public school includes the security and safety of the juvenile, treatment needs, and protection of the community. Paragraph (C) is intended to codify the presumption that a juvenile is to attend public school while in placement absent evidence demonstrating that it is not in the best interest of the juvenile or community to do so. The bundling of residential services and educational services should not be permitted without a court order authorizing such.

**Official Note:** Rule 148 adopted , 2017, effective , 2017.

### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 148 published with the Court's Order at Pa.B. ( , 2017).

## PART D(2). JUVENILE PROBATION OFFICERS

### Rule 195. Powers, Duties, and Training of a Juvenile Probation Officer.

*A. Powers and Duties of a Juvenile Probation Officer.* Subject to any limitation imposed by the court, a juvenile probation officer shall:

- 1) take children, juveniles, and minors into custody pursuant to:
  - a) the Juvenile Act, 42 Pa.C.S. §§ 6304 and 6324;
  - b) the Child Protective Services Law (CPSL), 23 Pa.C.S. § 6301 *et seq.*;
  - c) a bench warrant as set forth in Rules 140, 141, and 1140; or
  - d) Rule 1202;

2) authorize detention or shelter care for a juvenile, and the shelter care of a child, pursuant to 42 Pa.C.S. §§ 6304, 6325, or 6331;

3) receive and examine written allegations unless the District Attorney has elected to receive and approve all written allegations pursuant to Rule 231(B);

4) make appropriate referrals for informal adjustment, consent decree, or other diversionary programs;

5) file petitions if diversionary programs are not appropriate unless the District Attorney has elected to file all petitions pursuant to Rule 330(A);

6) make investigations, reports, including social studies pursuant to Rule 513, and recommendations to the court;

7) make appropriate referrals to private and public agencies, psychological or psychiatric providers, drug and alcohol facilities or programs, or any other necessary treatments or programs;

8) communicate to the court and parties, and facilitate any special needs, including health and education, of the juvenile;

9) supervise and assist a juvenile placed on probation or a child under the court's protective supervision or care;

10) search the person and property of juveniles pursuant to 42 Pa.C.S. § 6304(a.1);

11) regularly oversee and visit juveniles in placement facilities;

12) report suspected child abuse pursuant to 23 Pa.C.S. § 6311; [ and ]

**13) receive allegations that a child has failed to satisfy penalties for violating compulsory school attendance, as permitted by local rule; and**

[ 13 ] 14) perform any other functions as designated by the court.

*B. Limitations on [ powers and duties ] Powers and Duties.* The President Judge of each judicial district may limit the power and duties of its juvenile probation officers by local rule.

*C. Training.* No later than [ January 1, 2012 or ] within 180 days after being appointed or employed, a juvenile probation officer shall be trained on:

- 1) the Juvenile Act;
- 2) the Pennsylvania Rules of Juvenile Court Procedure;
- 3) the Child Protective Services Law (CPSL); and
- 4) any local procedures.

### Comment

Pursuant to paragraph (A)(1), a juvenile probation officer has the authority to take children, juveniles, and minors into custody pursuant to the Juvenile Act, the CPSL, a bench warrant, or Rule 1202. 23 Pa.C.S. § 6301 *et seq.* and 42 Pa.C.S. § 6301 *et seq.*

When a juvenile is under the court's supervision, the juvenile probation officer may take a juvenile into custody pursuant to the Juvenile Act, 42 Pa.C.S. §§ 6304(a)(3) and (5) and 6324(1) through (5), and bench warrants as set forth in Rules 140, 141, and 1140.

When a child, juvenile, or minor is not under the court's supervision, the juvenile probation officer, as a duly authorized officer, may take a child, juvenile, or minor into custody pursuant to the Child Protective Services



Law (CPSL), 23 Pa.C.S. § 6315 and the Juvenile Act, 42 Pa.C.S. §§ 6304(a)(3) and (5) and 6324(1), (3), and (4).

A properly commissioned juvenile probation officer is vested with all the powers and duties as set forth in 42 Pa.C.S. § 6304 and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to paragraph (B).

The President Judge may adopt a local rule, pursuant to the procedures of Rule 121, limiting the authority granted by the commission to juvenile probation officers. In determining whether to limit the authority of juvenile probation officers, the President Judge should consider the training and experience necessary to perform the various duties as provided in this rule. For example, the President Judge may choose to prohibit juvenile probation officers from taking a child into protective custody who is believed to be in imminent danger from his or her surroundings, but who is not under the court's supervision as a delinquent or dependent child. *See* 42 Pa.C.S. § 6324.

In situations when a juvenile probation officer takes a child into protective custody who is in imminent danger from his or her surroundings pursuant to 42 Pa.C.S. § 6325, 23 Pa.C.S. § 6315, and Rule 1202, the juvenile probation officer should take the appropriate steps to ensure the child's safety, immediately contact the county agency, and document for the county agency the circumstances which necessitated protective custody. *See* Rule 1202 and its Comment.

The juvenile probation officer may also supervise or assist a child placed in his or her protective supervision or care by the court. *See* 42 Pa.C.S. § 6304.

Pursuant to paragraph (A)(3), the juvenile probation officer is to receive written allegations from local law enforcement agencies to determine if a case may proceed to juvenile court. However, pursuant to Rule 231(B), the District Attorney of any county may require initial receipt and approval of written allegations before a delinquency proceeding may be commenced. *See* Rule 231(B).

Pursuant to paragraph (A)(6) and (7), the juvenile probation officer is to prepare reports compiling the juvenile's information for the court and make the necessary referrals to programs supported by a need revealed during the investigation.

Pursuant to paragraph (A)(8), the juvenile probation officer is to communicate the information to all parties before approaching the court. *See* Rule 136 for *ex parte* communication.

Pursuant to paragraph (A)(11), the juvenile probation officer is to oversee all juveniles ordered to placement facilities. Juvenile probation officers should visit all juveniles in placement facilities on a regular basis to determine if: 1) the juvenile is receiving the appropriate treatment; and 2) the facility is meeting the needs of the child. The Juvenile Court Judges' Commission Standards Governing Aftercare Services recommend that all juveniles be visited on a monthly basis. The juvenile probation officer is to report any irregularities or controversies to the court and all parties as soon as they are made known to the juvenile probation officer.

**Pursuant to paragraph (A)(13), the President Judge may adopt a local rule to permit the juvenile probation office to receive allegations that a child has failed to pay fines or costs related to a truancy conviction. *See* 24 P.S. § 13-1333.3(f)(2).**

Pursuant to paragraph [ (A)(13) ] (A)(14), a juvenile probation officer may perform any other function designated by the court to carry out the purposes of the Juvenile Act.

Pursuant to paragraph (C), the juvenile probation officer is to be trained in the Juvenile Act, the Pennsylvania Rules of Juvenile Court Procedure, the CPSL, and any local procedures. The training is to occur within 180 days of the juvenile probation officer's appointment or employment. It is best practice for juvenile probation officers to receive training within the first ninety days of employment. It is also best practice that juvenile probation officers receive specialized training and educational updates on a continuing basis.

Specialized training for juvenile probation officers should include delinquency and dependency procedures and areas that address their duties as officers of the court.

**Official Note:** Rule 195 adopted May 20, 2011, effective July 1, 2011. **Amended** , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 195 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).

**Final Report explaining the amendments to Rule 195 published with the Court's Order at Pa.B. ( , 2017).**

## CHAPTER 5. DISPOSITIONAL HEARING

### PART B. DISPOSITIONAL HEARING AND AIDS

#### Rule 512. Dispositional Hearing.

\* \* \* \* \*

D. *Court's [ findings ] Findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

- 1) its disposition;
- 2) the reasons for its disposition;
- 3) the terms, conditions, and limitations of the disposition; and
- 4) if the juvenile is removed from the home:
  - a) the name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile[ , and ];
  - b) its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§ 6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare; **and**
  - c) **the provision of educational services for the juvenile pursuant to Rule 148;**
- 5) whether any evaluations, tests, counseling, or treatments are necessary;
- 6) any findings necessary to ensure the stability and appropriateness of the juvenile's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and
- 7) any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and

disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.

\* \* \* \* \*

**Official Note:** Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 16, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. **Amended** , **2017, effective** , **2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 512 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2684 (May 28, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

**Final Report explaining the amendments to Rule 512 published with the Court's Order at Pa.B. ( , 2017).**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART B(1). EDUCATION AND HEALTH OF CHILD**

(*Editor's Note:* The following rule is proposed to be added and printed in regular type to enhance readability.)

**Rule 1146. Notice of Truancy Hearing.**

Upon receiving written notice of a hearing regarding a citation or complaint for truancy against a child or a person in parental relation pursuant to 24 P.S. § 1333.1, the county agency shall serve a copy of the notice upon the dependency court and parties.

**Comment**

Pursuant to 24 P.S. § 1333.2(b)(1), the court in which a truancy citation or complaint is filed shall provide the county agency with written notice of the hearing. For definition of "person in parental relation," see 24 P.S. § 1326.

The President Judge may adopt local rules coordinating jurisdiction and proceedings between the judge of the court where the citation or complaint was filed and the dependency court judge. Coordination may include, but are not limited to, the entry of an order staying the truancy proceeding for further consideration by the dependency court.

**Official Note:** Rule 1146 adopted , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1146 published with the Court's Order at Pa.B. ( , 2017).

**Rule 1147. Educational Decision Maker.**

A. *Generally.* At any proceeding or upon motion, the court shall appoint an educational decision maker for the child if it determines that:

1) the child has no guardian; or

2) the court, after notice to the guardian and an opportunity for the guardian to be heard, has made a determination that it is in the child's best interest to limit the guardian's right to make decisions regarding the child's education.

B. *Notice of hearings.* The educational decision maker shall receive notice of all proceedings.

C. *Duties and responsibilities.* The educational decision maker shall:

1) make appropriate inquiries and take appropriate actions to ensure that:

a) issues concerning the child's educational stability are addressed;

b) school discipline matters are addressed;

c) the child is receiving appropriate education that will allow the child to meet state standards, including any necessary services concerning special education in the least restrictive environment, or remedial services;

d) the child, who is [ **sixteen** ] **fourteen** years of age or older, is receiving the necessary educational services to transition to [ **independent living** ] **successful adulthood**;

e) the child, who is receiving services concerning special education, is engaged in transition planning with the school entity beginning no later than the school year in which the child turns fourteen; and

f) the child, who is aging out of care within ninety days, has a transition plan that addresses the child's educational needs, and if applicable, the plan is coordinated with the child's transition planning concerning special education under the Individuals with Disabilities Education Act.

2) address the child's educational needs by:

a) meeting with the child at least once and as often as necessary to make decisions regarding education that are in the best interests of the child;

b) participating in special education and other meetings, and making decisions regarding all matters affecting the child's educational needs in a manner consistent with the child's best interests;

c) making any specific recommendations to the court relating to:

i) the timeliness and appropriateness of the child's educational placement;

ii) the timeliness and appropriateness of the child's transitional planning; and

iii) services necessary to address the child's educational needs;

d) appearing and testifying at court hearings when necessary; and

e) having knowledge and skills that ensure adequate representation of the child.

### Comment

A child in dependent care is to have a clearly identified, legally authorized educational decision maker. This is a particular concern for highly mobile children whose caregivers may change and whose guardian may be unavailable. An educational decision maker's responsibilities may include, but are not limited to: ensuring educational stability as mandated by 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; ensuring prompt enrollment in a new school as required pursuant to 22 Pa. Code § 11.11(b); facilitating access to a full range of school programs; advocating for the child in school discipline matters; ensuring meaningful transition planning as required by 42 Pa.C.S. § 6351 and 42 U.S.C. § 675(5)(H); and for a child eligible for special education, ensuring access to appropriate services including transition planning beginning no later than age fourteen. *See* 24 P.S. §§ 13-1371, 13-1372, 20 U.S.C. § 1400 *et seq.* *See* paragraph (A) and (C).

An educational decision maker appointed pursuant to this rule who represents a child who is also adjudicated delinquent is to review Rule 147.

A court is not to appoint an educational decision maker if there is a parent, guardian, or other authorized person (e.g., foster parent, relative with whom the child lives or surrogate parent appointed under the IDEA) who is competent, willing, and available to make decisions regarding the child's education and who is acting in the child's best interest regarding all educational matters. *See* Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* (2004). A court should limit the authority of a parent to make decisions regarding education only to the extent necessary to protect the child's interest and can reinstate the parent or change the educational decision maker at any time.

Unless limited by the court in its appointment order, an educational decision maker: 1) is responsible for making all decisions concerning education, including special education, for the child; and 2) can consent to or prohibit the release of information from the child's school records as a parent in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and 34 C.F.R. § 99.3 (1974). The educational decision maker may be a family member, a family friend, a mentor, a foster parent, a former foster parent, a Court Appointed Special Advocate, or, if an educational decision maker for special education is not needed, a child welfare professional. Except as otherwise provided by the IDEA, it is within the discretion of the court to appoint an educational decision maker and whom to appoint. In all cases, however, an educational decision maker appointed by the court should be familiar with a child's educational rights or is to agree to be trained regarding these issues.

If the child is or may be eligible for special education, an educational decision maker is to be appointed in accordance with the standards and procedures set forth in federal and state laws concerning special education. *See* IDEA, 20 U.S.C. §§ 1400, 1401(23), and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519. The IDEA recognizes a court's authority to appoint persons to make decisions concerning special education for a child. However, such decision makers cannot be the State or employees of any agency that is involved in the education or care of the child. 34 C.F.R. § 300.519(c), (d)(2)(i).

The educational decision maker should refer to the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 *et seq.* (1989) for guidance in educational stability. Specifically, the educational decision maker is to: a) ensure the right to remain in the same school regardless of a change in placement when it is in the child's best interest; b) facilitate immediate enrollment in a new school when a school change is in the child's best interest; and c) ensure that school proximity is considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*

The educational decision maker is to also ensure: a) that the child receives an appropriate education, including, as applicable, any necessary special education, early intervention, or remedial services; *see* 24 P.S. §§ 13-1371, 13-1372, 55 Pa. Code § 3130.87, 20 U.S.C. § 1400 *et seq.*; b) that the child receives educational services necessary to support the child's transition to **[ independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older ] successful adulthood if the child is fourteen or older pursuant to 42 Pa.C.S. § 6351(F)(8)**; and c) that the educational decision maker participates in the development of a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

The authority of the court to appoint an educational decision maker is derived from the broad powers of the court to issue orders that "provide for the care, protection, safety, and wholesome mental and physical development of children." 42 Pa.C.S. § 6301(b)(1.1). The IDEA also requires that each child who is eligible for special education has an active parent or other identified person who can participate in the process concerning special education. *See* IDEA, 20 U.S.C. §§ 1401(23) and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519.

**Official Note:** Rule 1147 adopted April 29, 2011, effective July 1, 2011. **Amended** , 2017, **effective** , 2017.

### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1147 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

**Final Report explaining the amendments to Rule 1147 published with the Court's Order at Pa.B.** ( , 2017).

(*Editor's Note:* The following rule is proposed to be added and printed in regular type to enhance readability.)

### Rule 1148. Educational Stability & Placement.

**A. General Rule.** Any order resulting in the placement of a child shall address the educational stability of the child.

**B. School of Origin.** A child in placement shall remain in their school of origin unless the court finds remaining in the school of origin is not in the child's best interest. If the court finds that it is not in the best interest of the child to remain in the school of origin, then the court may order the child to be enrolled in another school that best meets the child's needs.

**C. Another School.** If a court orders the child to be enrolled in another school pursuant to paragraph (B), then the child shall attend a public school unless the court finds that a public school is not in the best interest of the child.



### Comment

This rule is intended to apply at any point in a dependency proceeding when the child is in placement, including pre-dispositional placement and post-dispositional modification of a dependent child's placement. This rule is intended to complement rather than supersede the requirements of Rule 1512(D)(1)(i).

In paragraph (B), the best interest determination should be based on factors including the appropriateness of the current educational setting considering the child's needs and the proximity of the school of origin relative to the placement location. This paragraph is not intended to usurp the administrative process contemplated by the Elementary and Secondary Education Act of 1965, *as amended*, 20 U.S.C. § 6311(g)(1)(E). This paragraph is intended to facilitate educational stability while the child remains under the jurisdiction of the Juvenile Court and to codify the presumption that a child is to remain in their school of origin absent evidence that it is not in the child's best interest to do so.

In paragraph (C), circumstances indicating that is may not be in the best interest for the child to attend a public school includes the security and safety of the child and treatment needs. Paragraph (C) is intended to codify the presumption that a child is to attend public school while in placement absent evidence demonstrating that it is not in the best interest of the child to do so. The bundling of residential services and educational services should not be permitted without a court order authorizing such.

A court may consider an Individualized Education Program, Service Agreement, or administrative determination in making findings pursuant to this Rule.

**Official Note:** Rule 1148 adopted \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1148 published with the Court's Order at \_\_\_\_\_ Pa.B. (\_\_\_\_\_, 2017).

### REPORT

#### **Proposed Adoption of Pa.R.J.C.P. 148, 1146, and 1148; Proposed Amendment of Pa.R.J.C.P. 195, 512, and 1147**

The Juvenile Court Procedural Rules Committee proposes a package to improve the Rules of Juvenile Court Procedure as they relate to the educational needs of juveniles and children. The package contains three components: 1) changes to implement the Act of November 3, 2016, P.L. 1061 concerning truancy matters; 2) changes to update Rule 1147 in light of Act 94 of 2015, P.L. 559, which amended 42 Pa.C.S. § 6351(F)(8); and 3) the creation of procedures for judicial determination of the delivery of educational services for dependent/delinquent youth in placement.

#### *Truancy*

Recently, Pennsylvania substantially revised its truancy laws. Section 5 of the Act amended Section 1333.3(F)(2) of the Public School Code to state:

The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the

purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

In response, the Committee proposes amending Rule 195 to add paragraph (A)(13) to recognize that a juvenile probation officer may receive allegations that a child has failed to satisfy penalties arising from a truancy citation. Consistent with the statute, the rule first requires a local rule permitting the receipt of these allegations. It is contemplated that the local rule would provide guidance as to further actions of the juvenile probation officer with regard to those allegations.

In reviewing the legislation, the Committee believes there exists an opportunity to coordinate actions of the dependency court and the court where a truancy citation is filed when a dependent child or a "person in parental relation" to the child is charged with truancy. As amended, 24 P.S. § 13-1333.2(b)(1) requires the court to send a hearing notice to the county agency when a truancy citation is filed. Through this notice mechanism, the county agency would then provide notice of the hearing to the dependency court and the parties, as set forth in proposed new Rule 1146. Thereafter, the dependency court judge and the truancy court judge could then coordinate proceedings.

#### *Education Decision Makers*

Act 94 of 2015 amended 42 Pa.C.S. § 6351(F)(8) to require at each permanency hearing a judicial determination of the services needed to assist a child who is 14 years of age or older to make the transition to successful adulthood. The amendment lowered the age of applicability from 16 years of age to 14. This amendment was incorporated into Rule 1608(D)(1)(k) on December 9, 2015.

Rule 1147(C)(1)(d), regarding the duties of educational decision makers ("EDMs"), requires EDMs to inquire and act to ensure that a child 16 years of age or older is receiving the necessary educational services to transition to independent living. Upon review of the legislation, the Committee believes that "services" in Section 6351(F)(8) of the Juvenile Act includes "educational services" as used in Rule 1147. Accordingly, the Committee is proposing to amend Rule 1147 and the Comment to reflect this interpretation, including the lower age.

#### *Educational Stability*

The Elementary and Secondary Education Act of 1965, *as amended*, 20 U.S.C. § 6311(g)(1)(E), requires that a child in placement remain in their school of origin unless it is not in the child's best interest. The Committee proposes new Rule 1148 to establish a procedural requirement for the court to conduct a best interest analysis if a child in placement is not to remain in their school of origin. The purpose of this rule is to maintain the education stability of the child. Further, this requirement would extend beyond dependency proceedings to include removal of a juvenile from home in delinquency proceedings via new Rule 148. Both Rule 148 and Rule 1148 are applicable to any order resulting in the placement of a child or the removal of a juvenile from home.

Next, the Committee reviewed OMHSAS-10-02 (January 4, 2010), a DHS/PDE joint bulletin addressing the need to "unbundle" educational services from residential placement, as well as received requests for a procedural mechanism to require an order when a child or juvenile is to receive educational services in a non-educational placement. The Committee believes the provision of educational services is critical to ensuring educational stability. Accordingly, the Committee proposes paragraph (C) of

Rule 148 and Rule 1148 to require a specific finding that a public school is not in the best interest of the child or juvenile when enrolling in a non-public school.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-985. Filed for public inspection June 16, 2017, 9:00 a.m.]

## PART I. RULES

### [ 237 PA. CODE CHS. 1, 11, 14, 15 AND 16 ]

#### Proposed Amendment of Pa.R.J.C.P. 160, 1160, 1409, 1515 and 1631

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 160, 1160, 1409, 1515, and 1631 governing custody matters for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
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All communications in reference to the proposal should be received by August 7, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
Procedural Rules Committee*

KELLY L. McNANEY, Esq.,  
*Chair*

## Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

#### PART C. RECORDS

##### PART C(1). ACCESS TO JUVENILE RECORDS

#### Rule 160. Inspecting, Copying, and Disseminating the Official Court Record.

A. *Inspecting.* The official court record is only open to inspection by:

1) the [ **judges, masters** ] court, juvenile probation officers, and staff of the court;

2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except at the discretion of the court;

3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;

4) [ **a court, its** ] probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;

5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;

6) the Administrative Office of Pennsylvania Courts;

7) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;

8) officials of the Department of Corrections, a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

9) a parole board[ **, court,** ] or county probation official in considering an **individual's parole or in exercising supervision over any** individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

10) the State Sexual Offenders Assessment Board for use in completing assessments; [ **and** ]

11) **other persons presiding as a judicial officer when determining child custody;**

12) **the Department of Human Services when determining whether the juvenile's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

[ **11** ] 13) with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

\* \* \* \* \*

#### Comment

Pursuant to paragraph (A)(11), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.

Pursuant to paragraph [ (A)(11) ] (A)(13), the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency, or

department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

\* \* \* \* \*

**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. **Amended** , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

**Final Report explaining the amendments to Rule 160 published with the Court's Order at Pa.B. ( , 2017).**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART C. RECORDS**

**PART C(1). ACCESS TO JUVENILE COURT RECORDS**

**Rule 1160. Inspection of the Official Court Record.**

**A. Inspecting.** The official court record is only open to inspection by:

1) The [judges, officers, and professional] court and staff of the court;

2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

3) A public or private agency or institution providing supervision or having custody of the child under order of the court;

4) [A court, its probation] Probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and

who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*;

5) The Administrative Office of Pennsylvania Courts;

6) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties;

7) Officials of the Department of Corrections, a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

8) A parole board[, court] or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court[.];

9) The State Sexual Offenders Assessment Board for use in completing assessments; [and]

**10) other persons presiding as a judicial officer when determining child custody;**

**11) the Department of Human Services when determining whether the party's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

[10] 12) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**B. Copying.** Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.

**C. Disseminating.** Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.

**Comment**

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of all files and records of the court in a proceeding.

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under paragraph [(10)] (A)(12). See 23 Pa.C.S. § 6340. **Additionally, pursuant to paragraph (A)(10), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

This rule is meant to include the contents of the official court record as described in Rule 1166, which does not include county agency records.

**Official Note:** Rule 1160 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended** , 2017, effective , 2017.



*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

**Final Report explaining the amendments to Rule 1160 published with the Court's Order at Pa.B. ( , 2017).**

**CHAPTER 14. ADJUDICATORY HEARING****Rule 1409. Adjudication of Dependency and Court Order.**

A. *Adjudicating [ the child dependent ] Child Dependent.* Once the court has made its findings under Rule 1408, the court shall enter an order whether the child is dependent.

1) *Dependency.* If the court finds from clear and convincing evidence that the child is dependent, the court shall proceed to a dispositional hearing under Rule 1512.

2) No [ *dependency* ] *Dependency.*

a) If the court finds the child not to be dependent [ or the court finds a parent ready, willing, and able to provide proper parental care or control, ] the court shall:

[ a ) ] i) dismiss the petition; and

[ b ) ] ii) order the child to be discharged from custody and any restrictions ordered in the proceedings[ ; and ].

[ c ) enter an order identifying individual(s) who will have the legal and physical custody until such order is modified by further order of the court. ]

b) If the court finds a parent ready, willing, and able to provide proper parental care or control, the court shall:

i) enter a sealed order on the custody docket awarding custody and stating the reasons why custody is not awarded to the other parent; and

ii) dismiss the petition.

B. *Timing.*

1) *Child in [ custody ] Custody.* If a child is removed from the home, the court shall enter an adjudication of dependency within seven days of the adjudicatory hearing and enter its findings pursuant to Rule 1408.

2) *Child [ not in custody ] Not in Custody.* If a child is not removed from the home and if the court fails to enter an order of dependency, the court shall hold a status hearing every thirty days.

C. *Court [ order ] Order.* The court shall include the following in its court order:

1) A statement pursuant to paragraph (A):

a) as to whether the court finds the child to be dependent from clear and convincing evidence;

b) including the specific factual findings that form the bases of the court's decision;

c) including any legal determinations made; and

2) Any orders directing the removal of a child from the home or change in the current residential status, including:

a) orders as to placement; or

b) visitation; or

c) change in custody; and

3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

**Comment**

Before the court can find a child to be dependent, there must be clear and convincing evidence in support of the petition. The burden of proof is on the petitioner. The court's inquiry is to be comprehensive and its findings are to be supported by specific findings of fact and a full discussion of the evidence. *In re LaRue*, [ 244 Pa. Super. 218, ] 366 A.2d 1271 (Pa. Super. 1976). *See also In re Frank W.D., Jr.*, [ 315 Pa. Super. 510, ] 462 A.2d 708 (Pa. Super. 1983); *In re Clouse*, 244 Pa. Super. 396, 368 A.2d 780 (1976). The evidence must support that the child is dependent. *In the Matter of DeSavage*, [ 241 Pa. Super. 174, ] 360 A.2d 237 (Pa. Super. 1976). The court is not free to apply the best interest of the child standard as the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c), require clear and convincing evidence that the child is dependent is the proper standard. *In re Haynes*, [ 326 Pa. Super. 311, ] 473 A.2d 1365 (Pa. Super. 1983). [ A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). A trial court has the authority to transfer custody or modify custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988). ]

The court is to specify which allegations in the petition are the bases for the finding of dependency pursuant to Rule 1408. The court is to make an adjudication of dependency based upon the allegations in the petition, not on alternative grounds. Due process and fundamental fairness require adequate notice of the allegations to afford a reasonable opportunity to prepare a defense. *In re R.M.*, [ 567 Pa. 646, ] 790 A.2d 300 (Pa. 2002).

[ Under paragraph (B), if a child is removed from the home, a finding of dependency is to be made within seven days. ]

A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 757 A.2d 849 (Pa. 2000). A trial court has the authority to award custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 543 A.2d 1192 (Pa. Super. 1988).

An order entered pursuant to paragraph (A)(2)(b) may award custody to the non-custodial parent with the filing of a new custody order or through

**modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

Under paragraph (C)(3), aids in disposition may include, but are not limited to, any services, investigations, evaluations, studies, treatment plans, and any other appropriate reports that may aid the court in making its determination at the dispositional hearing. See 42 Pa.C.S. § 6339 for orders of a social study or physical and mental examinations and treatment.

See also 42 Pa.C.S. §§ 6341 & 6302.

Pursuant to paragraph (C)(3), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1515, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, 1608, 1609, 1610, and 1611.

**Official Note:** Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. **Amended** , 2017, **effective** , 2017.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1409 published with the Court's Order at Pa.B. ( , 2017).**

## CHAPTER 15. DISPOSITIONAL HEARING

### PART B. DISPOSITIONAL HEARING AND AIDS

#### **Rule 1515. Dispositional Order.**

A. *Generally.* When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

- 1) any findings pursuant to Rules 1512(D) and 1514;
- 2) the date of the order; and
- 3) the signature and printed name of the judge entering the order.

B. *Transfer of custody.* If the court [ **decides to transfer** ] **transfers legal or physical** custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, **then** the dispositional order shall include:

- 1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;

2) the **conditions and limitations [ of the order, including the type of custody granted ] on custody;** and

3) any **remaining rights and duties of the parents or guardian, including** visitation rights.

C. *Guardian.* [ **The** ] **If the court permits the child to remain with the parents or guardian, then the dispositional order shall include any conditions[ , limitations, restrictions, and obligations imposed upon the guardian ] and limitations on the child's legal or physical custody as is necessary for the protection of the child.**

#### **Comment**

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. [ Ct. ] 2006) (citing *In re Tameka M.*, [ **525 Pa. 348,** ] 580 A.2d 750 (Pa. 1990)), for issues addressing a child's mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.pacourts.us/forms/dependency-forms>.

See *In re Tameka M.*, [ **525 Pa. 348,** ] 580 A.2d 750 (Pa. 1990).

**The custody order should set forth any conditions and limitations using the words and phrases set forth in 23 Pa.C.S. § 5322. The transfer of legal custody vests the custodian with the authority to determine the nature and treatment of the child for ordinary medical care. See 42 Pa.C.S. § 6357. For pre-dispositional examination and treatment of a child, see Rule 1145. For non-emergent, non-routine care not already included in an approved treatment plan, the custodian should seek parental consent or receive prior court authorization when consent cannot be obtained.**

**Official Note:** Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011,

effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. **Amended** , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1515 published with the Court's Order at Pa.B. ( , 2017).**

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION**

**Rule 1631. Termination of Court Supervision.**

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;

2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;

3) the child **is under eighteen years of age and** has been placed with a ready, willing, and able parent who was not previously identified by the county agency;

4) the child has been adopted and services from the county agency are no longer needed;

5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;

6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;

7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;

8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;

9) the child has been emancipated by the court;

10) the child is eighteen years of age or older and a hearing has been held pursuant to paragraph (E);

11) the child has died;

12) a court in another county of this Commonwealth has accepted jurisdiction; or

13) a court in another state has accepted jurisdiction.

**[ B. Ready, willing, and able parent. When services from the county agency are no longer necessary because the court has determined that the**

**child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to the Pa.R.C.P. ]**

**B. Order Transferring or Affecting Custody.**

1) When the court terminates supervision pursuant to paragraph (A)(3), the court shall:

i) enter a sealed order on the custody docket awarding custody, stating the reasons why custody is not awarded to the other parent; and

ii) order the termination of court supervision.

2) When the court terminates supervision pursuant to paragraph (A)(5) or (A)(6), the court shall:

i) enter a sealed order on the custody docket awarding custody, stating the reasons why custody has been awarded; and

ii) order the termination of court supervision.

C. *Objection.* Any party may object to a motion under paragraph (A) and request a hearing.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

**E. Children [ *eighteen years of age or older* ] *Eighteen Years of Age or Older.***

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to the child turning eighteen years of age.

2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:

a) the specific plans for housing;

b) a description of the child's source of income;

c) the specific plans for pursuing educational or vocational training goals;

d) the child's employment goals and whether the child is employed;

e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;

f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;

g) verification that all vital identification documents and records have been provided to the child;

h) a description of any other needed support services; and

i) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns twenty-one years of age if specific conditions are met.

3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.



4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

F. *Cessation of [ services ] Services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

#### Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

**A child under eighteen years of age whose non-custodial parent is ready, willing, and able to provide adequate care for the child may no longer be deemed dependent. *In re M.L.*, 757 A.2d 849 (Pa. 2000). When services from the county agency are no longer necessary pursuant to paragraph (A)(3) because the court has determined that the child is not dependent because a non-custodial parent has been found by the court to be able and available, the court should enter an order awarding custody to that parent pursuant to paragraph (B). For children eighteen years of age and older, see paragraph (E).**

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, [ 422 Pa. Super. 439, ] 619 A.2d 758 (Pa. Super. 1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, [ 428 Pa. Super. 448, ] 631 A.2d 615 (Pa. Super. 1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3103.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. [ Ct. ] 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, [ 422 Pa. Super. 439, ] 619 A.2d 758 (Pa. Super. 1993).

**[ A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562**

**Pa. 646, 757 A.2d 849 (2000). See paragraph (B). Paragraph (B) does not apply to resumption of jurisdiction cases.**

**Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a ] A court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. See 42 Pa.C.S. § 6351(a)(2.1). [ See also *Justin S.*, 375 Pa.Super. 88, 543 A.2d 1192 (1988). ]**

**An order entered pursuant to paragraph (B) may award custody with the filing of a new custody order or through modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675 (5)(A)—(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of paragraph (E) are to be followed. In no case is a juvenile over twenty-one to remain under juvenile court supervision. See Rule 1635(E). See also Rule 1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013 and renumbered from Rule 1613 to Rule 1631, effective December 1, 2013. **Amended , 2017, effective , 2017.**

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 1631 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

**Final Report explaining the amendments to Rule 1631 published with the Court's Order at Pa.B. ( , 2017).**

#### REPORT

#### Proposed Amendment of Pa.R.J.C.P. 160, 1160, 1409, 1515, and 1631

The Juvenile Court Procedural Rules Committee ("Committee") proposes to amend Rules 1409, 1515, and 1631 to establish procedures for orders affecting or transferring custody. Further, the Committee proposes to amend Rules 160 and 1160 to reflect amendment of the Juvenile Act regarding access to juvenile court records. This proposal is part of a joint recommendation with the Domestic

Relations Procedural Rules Committee to develop rules to establish the interplay between custody and dependency.

Concerning the custody order procedures, the Committee previously published a proposal for comment in 46 Pa.B. 3951 (July 23, 2016). As previously observed, a transfer of custody to the previously non-custodial parent or a non-parent may close a dependency matter either pre- or post-adjudication. With dependency dockets inaccessible to the public, problems have been noted in proving custody by a non-custodial parent or third party. Often the party from whom the child has been removed has a custody order obtained prior to the dependency action indicating they are the custodial parent.

The Committee considered means and methods of transferring relevant custody determinations by the dependency court to the prothonotary's office to be filed on a custody docket. The Committee believes that the procedural rules should provide a framework for this process, but judicial districts should retain discretion on how this would be accomplished locally.

Rule 1409 has been revised to require the filing of a custody order on the custody docket when a petition is dismissed because of the availability of a ready, willing, and able non-custodial parent. A similar provision has been engrafted into Rule 1631 when supervision has been terminated when the child is placed with a ready, willing, and able parent, the child is placed with a permanent legal custodian, or the child has been placed with a fit and able relative.

Rule 1515 has been revised to clarify the content of a dispositional order transferring custody. Additionally, the Comment was revised in response to suggested refinement of the language.

The Committee received comments about maintaining confidentiality of dependency matters when custody orders closing out dependency proceedings are filed on the custody docket. There were two aspects considered: 1) the confidentiality of the parties; and 2) the confidentiality of the findings. The Committee proposes that the custody order be filed under "seal" to address the confidential nature of those filings on the custody docket. The sealed order would be accessible to the parties, their attorneys, and the court.

Concerning the access to records proposal, the amendments to Rule 160 and 1160 were previously published for comment at 45 Pa.B. 4344 (August 8, 2015). They were intended to reflect statutory amendments to the Juvenile Act to allow masters, hearing officers, conference officers, arbitrators, or other persons authorized to hear custody matters to review the juvenile's official court record when determining those custody matters. 42 Pa.C.S. § 6307. Additionally, the Department of Human Services may review the official court record to determine whether the perpetrator's name and related information should be expunged from the statewide database. *Id.* Further, paragraphs (B) and (C) were added to Rule 1160 to maintain parallel structure with Rule 160.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-986. Filed for public inspection June 16, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

#### Court Facility Firearm Directive; Prothonotary No. AD 17-381

##### Order

*And Now*, this 31st day May, 2017, Berks County Court Facility Firearm Directive is hereby approved and adopted by the Court of Common Pleas of Berks County, Pennsylvania, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The District Court Administrator is *Ordered* and *Directed* to:

1. File one (1) copy of this Order, including the newly adopted directive, with the Administrative Office of Pennsylvania Courts.
2. File two (2) paper copies of this Order, including the newly adopted directive, and one (1) electronic copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) copy of this Order, including the newly adopted directive, with the Rules Committee of the Supreme Court of Pennsylvania.
4. File one (1) copy of this Order, including the newly adopted directive, with the Berks County Law Library.
5. Keep continuously available for public inspection and copying one (1) copy of this Order, including the newly adopted directive, in the Office of the Prothonotary, Clerk of Courts, Office of the Register of Wills/Clerk of the Orphans' Court of Berks County.

The County of Berks is *Ordered* and *Directed* to keep a copy of the newly adopted directive posted on the County's official website.

#### Court Facility Firearm Directive; No. AD 17-381

##### Administrative Order of Court

*And Now*, this 31st day of May, 2017, the Court adopts the following Berks County Court Facility Firearm Directive as an order of this Court:

*By the Court*

HONORABLE PAUL M. YATRON,  
*President Judge*

#### BERKS COUNTY COURT FACILITY FIREARM DIRECTIVE

##### Statement of Policy:

1. There exists great potential for physical danger while working in courtrooms and related areas and dealing with individuals in stressful and volatile situations, in virtually all cases in litigation. Such cases include criminal, civil, and family law matters. The Court of Common Pleas of the Twenty-third Judicial District recognizes that pursuant to the law of this Commonwealth, certain law enforcement officers and Court officials are authorized to carry firearms while in the performance of their duties in Court Facilities within the County of Berks. We approve the carrying of firearms for defensive purposes, and when appropriate, to support members of the Berks County Sheriff's Office in maintaining courtroom security.

2. Pursuant to the provisions of 18 P.A.C.S.A § 913(c)(1) and (2) the following persons are hereby authorized to carry firearms on their persons while in the performance of official duties in Berks County Court Facilities:

a. Law enforcement officers in the service of all local police departments located within the County of Berks; and

b. Members of the Pennsylvania State Police and Special Agents of the Office of Attorney General of Pennsylvania, agents of the Pennsylvania Board of Probation and Parole; and

c. Duly elected or appointed constables and deputy constables from within the County of Berks; and

d. Judges of the Court of Common Pleas of Berks County; and

e. Magisterial District Judges of the Twenty-third Judicial District; and

f. Officers of the Berks County Sheriff's Office, Berks County District Attorney's Office, the Berks County Juvenile Probation Office, and the Berks County Adult Probation Office.

3. The carrying of firearms in Berks County Court Facilities by the individuals set forth in Paragraph 2 are subject to the following terms and conditions:

a. Those individuals identified in subparagraphs (a), (b), and (f) of Paragraph 2 above must be officers in good standing in their respective departments or organizations and be authorized to carry firearms in the performance of their duties; and

b. Those individuals identified in subparagraphs (a), (b), and (f) of Paragraph 2 above shall abide by all rules, regulations, and policies imposed by their respective organizations or departments while in Berks County Court Facilities.

c. All constables and deputy constables shall have current certification from the Constables' Education and Training Board with respect to both the performance of their duties and the carrying and use of firearms.

d. Judges of the Court of Common Pleas and Magisterial District Judges of the Twenty-third Judicial District must have current, valid licenses to carry concealed firearms issued by the Berks County Sheriff's Office and be approved by the President Judge for the carrying of firearms.

e. Persons authorized to carry firearms in Court Facilities pursuant to this order, whose offices are located in any Court Facility shall either carry the firearms securely on their persons or store them in a secure lock-box or other such container when the firearms are not on their persons but are within the Court Facility.

f. Judges of the Court of Common Pleas and Magisterial District Judges shall either carry the firearms securely on their persons or maintain, at their own expense, a secure lock-box or other such container for storage when the firearms are not on their persons but are within the Court Facility.

4. Berks County Court Facilities shall include the Berks County Courthouse, the Berks County Services Center, and all Magisterial District Court offices within the County, wherever situate.

5. Nothing in this order shall be construed to abrogate the authority of a Judge presiding in a courtroom to limit or bar the presence of firearms while Court is in session.

6. All individuals encompassed in this order shall be exempt from x-ray or electronic screening on entry to any Berks County Court Facility upon presentation of appropriate identification/credentials.

[Pa.B. Doc. No. 17-987. Filed for public inspection June 16, 2017, 9:00 a.m.]

## JUNIATA COUNTY

### Local Rule 4007 and Local Rule 4008 of Judicial Administration; No. CV-179-2017

#### Order

And now, May 2, 2017, the Court hereby adopts the following new Local Rules of Judicial Administration:

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from [www.pacourts.us](http://www.pacourts.us).

(B) For an ordinary transcript, the requesting party shall file the original request with the office in which the matter is filed, specifically, the Prothonotary's office, Clerk of Courts' office, Register and Recorder's office, or Domestic Relations office.

(C) Where expedited or daily transcripts are requested, the original request shall be filed using the approved form in the appropriate filing office at least 10 days prior to the proceeding.

(D) The requesting party shall serve copies of the formal request to:

(1) The court reporter assigned to the proceeding

(2) The District Court Administrator

(3) Opposing counsel or party, if party is unrepresented.

An affidavit of service shall be filed after service.

(E) When a private litigant requests a transcript, the litigant ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript.

(1) Deposit checks or money orders are to be made payable to the appropriate County: County of Perry or County of Juniata and shall be delivered to the District Court Administrator.

(2) Upon receipt of the 95% deposit, the court reporter assigned to the proceeding shall be directed to prepare the transcript.

(3) The court reporter(s) shall notify the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks or money orders for the final balance due shall be made payable to the appropriate county and shall be delivered to the District Court Administrator.

(4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(F) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must follow the procedure set forth below.



(1) Transcript costs for ordinary transcripts in matters under appeal or in which the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript cost for ordinary transcripts in matters that are not subject to appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, or same-day transcripts may be waived at the Court's discretion for parties who qualify for economic hardship under either of the above sections and upon good cause shown.

(4) The application for waiver of all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

#### **Rule 4008. Costs of Transcripts.**

##### **(A) Costs payable**

(1) The costs payable by the initial ordering party for a transcript shall not exceed:

- i. For an ordinary transcript, \$2.75 per page
- ii. For an expedited transcript, \$3.75 per page
- iii. For a daily transcript, \$4.75 per page
- iv. For same-day delivery, \$6.75 per page
- v. For copies, \$.50 per page

(2) Transcript costs payable by the Commonwealth or a subdivision thereof shall be as follows:

- i. For an ordinary transcript, \$1.75 per page
- ii. For an expedited transcript, \$2.75 per page
- iii. For a daily transcript, \$3.75 per page
- iv. For same-day delivery, \$5.75 per page
- v. For copies, \$.50 per page.

(B) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

- (1) \$.50 per page bound, paper format.

(C) A judge of the Court of Common Pleas may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation.

(D) A judge of the Court of Common Pleas may impose a reasonable surcharge for preparation of any transcript prepared in order to justly compensate a court reporter.

Said Local Rules of Judicial Administration shall be effective in the 41st Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KATHY A. MORROW,  
President Judge

[Pa.B. Doc. No. 17-988. Filed for public inspection June 16, 2017, 9:00 a.m.]

## **NORTHUMBERLAND COUNTY**

### **Local Rule—NCV-1301 through NCV-1308; No. AD-2017-4**

#### **Order**

*And Now*, this 30th day of May, 2017, it is hereby *Ordered* that, effective August 1, 2017, Northumberland County Local Rules 1301 through 1308 are hereby *Amended*, governing arbitration.

The Northumberland County District Court Administrator is directed as follows:

(1) File one (1) copy of the Administrative Order with Amended Local Rules with the Administrative Office of Pennsylvania Courts.

(2) Two (2) copies of the Administrative Order with Amended Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy with Amended Local Rules shall be sent to the Northumberland County Law Library and the Editor of the *Northumberland County Legal Journal*.

(4) Publish a copy of the Administrative Order with Amended Local Rules on the web site of Northumberland County.

(5) Thereafter, compile the Amended Local Rules within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that a copy of the Amended Local Rules shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

*By the Court*

CHARLES H. SAYLOR,  
President Judge

#### **ARBITRATION**

##### **Rule NCV-1301. Cases for Submission.**

(a) Compulsory arbitration as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 7361, shall apply to all civil cases for monetary relief (except those which also require equitable, declaratory or other relief) at issue where the amount in controversy shall be Fifty Thousand (\$50,000.00) Dollars or less.

(b) A civil action will be referred to arbitration (if the request for relief is in the jurisdictional limits for compulsory arbitration) upon the filing with the Prothonotary of a praecipe for arbitration signed by either party or its counsel, or by order of court.

(c) Matters not in litigation may be referred to a Board of Arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the Prothonotary. Said agreement shall define the issue involved for determination by the Board and, when agreeable, shall also contain stipulations with respect to the facts submitted or agreed upon or defenses waived. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

##### **[ Rule NCV-1301.1. Agreement of Reference. ] [ Abrogated ]**

##### **Rule NCV-1302. List of Arbitrators and Appointment of Board.**

(a) A list of available arbitrators shall be prepared annually by the Court Administrator, consisting of mem-

bers of the bar actively engaged in the practice of law in the 8th Judicial District and who have not notified the Court Administrator in writing of his or her desire not to participate as an arbitrator.

(b) The Court Administrator shall appoint from said list three members to each Board of Arbitrators, at least one of whom shall have been admitted to the practice of law before the Supreme Court of Pennsylvania for more than five years prior to his or her appointment.

(c) Each Board shall be chaired by the member senior in years admitted to the practice of law in the 8th Judicial District.

(d) Not more than one member or associate of any firm or association of attorneys shall be appointed to the same Board.

(e) A member of a Board who will be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator. Any request for recusal of an appointed Board member shall be submitted to the Office of the Court Administrator within seven days of the appointment of the arbitrator setting forth specifically the reason the Board member should not act as an arbitrator. The Court Administrator shall immediately contact that member of the Board with regard to the request for recusal, and the Board member shall advise the Court Administrator as to whether or not voluntary withdrawal as an arbitrator will take place. In the event that the arbitrator does not voluntarily withdraw, the request for recusal shall be transmitted to the Court for appropriate action.

(f) Members of the Board of Arbitration will generally be assigned to a panel for a period of one-half (1/2) day. The chairperson and each associate member of the panel shall receive the payment rate established by the President Judge. Fees to arbitrators shall not be taxed as costs nor follow the award as other costs.

(g) Each arbitrator shall take an oath of office in conformity with Section 3151 of the Judicial Code.

**[ Rule NCV-1302.1. Hearing, Selection of Arbitrators. ] [ Abrogated ]**

**Rule NCV-1303. Hearing, Notice and Continuances.**

(a) The scheduled date for arbitration shall be set forth on the annual court calendar as compiled by the Court Administrator, as well as such other dates as may be ordered by the President Judge as caseloads warrant. The Court Administrator shall designate the place, time, and specific date for hearings, and give at least 30 days written notice thereof to the arbitrators, the parties, or their attorneys of record. The Notice shall include the following language:

"The matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to trial de novo on appeal from a decision entered by a judge."

(b) When a case is at issue, the case may be ordered upon the next available arbitration list by filing with the Prothonotary an arbitration certificate of readiness on or before 45 days preceding the next arbitration schedule. The Prothonotary shall promptly forward the certificate to the Court Administrator. The certificate shall be on forms provided by the Prothonotary or Court Administration and shall contain the following:

1. the caption of the case;
2. name, address and phone number of trial counsel for all parties;
3. certification that all outstanding motions are resolved;
4. certification that discovery has been completed and disclosure made to the other parties of any and all reports to be utilized at the arbitration hearing; and
5. a complete list of all witnesses who are to be called at the time of the arbitration hearing and an estimate of the time that will be required to present that parties portion of the case.

(c) Within 10 days of the notice of the arbitration hearing, any opposing party or opposing counsel shall submit a written report to the Court Administrator listing the names of their witnesses who will be used at the hearing and an estimate of the time required to present their case.

**ONLY THOSE WITNESSES LISTED BY THE PARTIES, AND REPORTED AS REQUIRED IN THE RULE, WILL BE PERMITTED TO TESTIFY AT THE ARBITRATION HEARING, UNLESS THE BOARD ALLOWS OTHERWISE.**

**ANY PARTY THAT DOES NOT TIMELY PROVIDE THE ESTIMATE OF THE TIME REQUIRED TO PRESENT THEIR CASE MAY, IN THE DISCRETION OF THE BOARD OF ARBITRATION, BE LIMITED IN TIME TO PRESENT THEIR CASE.**

**Rule NCV-1304. Conduct of Hearing.**

Where all parties are present, the chairman of the board of arbitration shall be responsible for the conduct of the hearing. Arbitrators shall exercise reasonable restraint in the questioning of witnesses.

**Rule NCV-1304.1. Continuances.**

(a) Arbitrators may not grant continuances. Applications for continuances of any scheduled arbitration hearing shall be on the Application for Continuance Form available from the Court Administrator's Office. The Application for Continuance shall be submitted to the Court Administrator at least twenty (20) days before such hearing and after written notice of such application has been provided to the opposing counsel. The application shall indicate the number of continuances previously requested and whether or not the continuance is opposed.

(b) The Court Administrator shall promptly grant or deny the continuance request and file with Prothonotary.

(c) Whenever any case has been continued twice after assignment of a board of arbitration, the case shall be certified by the Court Administrator to the President Judge or his designee, to rule upon the request for continuance. In the interest of expediting disposition of the case the judge may order a conference or enter an appropriate order including but not limited to an order for non pros or an order directing the board to proceed with hearing whether or not the defendant appears and defends.

(d) Continuances within 20 days of an arbitration hearing shall not be granted without approval of the President Judge or his designee and only upon exigent circumstances. In the event of an emergency continuance, the Court may assess actual expenses against the moving party or counsel which may have been incurred by the opposing party. The actual costs, which may include added arbitration fees, actual work loss, travel expenses,

expert fees, etc., shall be certified to the Court by the party incurring such fees for appropriate consideration. Added arbitration fees may likewise be assessed where a late continuance results in the need for additional payment to a Board of Arbitration.

#### **Rule NCV-1305. Evidence.**

The chairman shall make preliminary rulings on objections and evidentiary matters, which shall be binding unless overridden by a majority of the board of arbitration.

#### **Rule NCV-1306. Award, Damages for Delay.**

(a) Arbitrators shall not consider the subject of damages for delay until an award has been made on the merits of the case, including the determination of the amount of damages, if any to be awarded.

(b) After the determination and announcement of the award on the merits and damages, the arbitrators shall make a determination as to any delay damages by:

1) Accepting a stipulation from the parties which contains the following:

- a) whether an offer was made in writing;
- b) the amount of the offer;
- c) the date of the offer, or

2) If no stipulation is reached, the panel shall take evidence regarding damages for delay from counsel following the original deliberation and announcement of the award.

(c) The arbitrators shall separately enumerate the delay damages as to each party on the appropriate form, and then add this amount to the principal sum awarded in order to reach a total amount of award. Only the total amount shall be shown on the Report and Award but the computation form must be appended to the Report and Award when filed.

#### **Rule NCV-1308. Appeal Compensation.**

In filing an appeal, the appellant shall make payment to the Prothonotary for compensation of the arbitrators. The compensation assessed by the Prothonotary of Northumberland County shall be the arbitration compensation amount paid for that proceeding.

#### **[ Rule NCV-1315. Compensation for Arbitrators. ] [ Abrogated ]**

[Pa.B. Doc. No. 17-989. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **NORTHUMBERLAND COUNTY**

#### **Local Rule—NCV-1920.16 through NCV-1920.51A; No. AD-2017-3**

#### **Order**

*And Now*, this 30th day of May, 2017, it is hereby *Ordered* that, effective August 1, 2017, Northumberland County Local Rules 1920.16 through 1920.51A are hereby *Amended*, governing divorce actions.

The Northumberland County District Court Administrator is directed as follows:

(1) File one (1) copy of the Administrative Order with Amended Local Rules with the Administrative Office of Pennsylvania Courts.

(2) Two (2) copies of the Administrative Order with Amended Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy with Amended Local Rules shall be sent to the Northumberland County Law Library and the Editor of the *Northumberland County Legal Journal*.

(4) Publish a copy of the Administrative Order with Amended Local Rules on the web site of Northumberland County.

(5) Thereafter, compile the Amended Local Rules within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that a copy of the Amended Local Rules shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

*By the Court*

CHARLES H. SAYLOR,  
*President Judge*

### **DIVORCE**

#### **Rule NCV-1920.16. Severance, Bifurcation.**

A. All requests for severance or bifurcation shall be set forth by petition filed with the Prothonotary and shall be processed through the Office of the Court Administrator. The Court may, for good cause shown, issue a divorce decree prior to a determination of other matters raised, in which event the decree shall contain the following statement: "The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

B. A petition for severance or bifurcation may be filed at any time. However, the request will not be considered by the Court until either the Notice of Intention to Request Entry of Divorce Decree has been duly mailed or delivered in the case of divorce actions proceeding on no fault grounds where no hearing is required on the issue of the divorce, or the Master's Report has been filed in the case of divorce actions proceedings on fault grounds or no fault ground if a hearing has been required on the issue of divorce.

C. All petitions for bifurcation shall be scheduled for a hearing before the Court unless a stipulation is filed with the petition for bifurcation and both parties have signed the stipulation.

#### **Rule NCV-1920.31. Alimony, Alimony Pendente Lite, Counsel Fees and or Costs.**

A. Unless set forth in the Complaint or in another appropriate pleading, all claims for alimony pendente lite, interim counsel fees and/or costs, and final counsel fees and/or costs shall be set forth by petition filed with the Prothonotary, and shall be processed through the Office of the Court Administrator. Where a Complaint contains a claim of alimony, alimony pendent lite, interim counsel fees and/or costs, and final counsel fees and/or costs, a separate petition need not be filed, but scheduling will be accomplished by the Office of the Court Administrator upon the filing of a praecipe with the Prothonotary.

1. Where a claim for alimony pendente lite has been made, a conformed copy of the Complaint, other appropriate pleading, or petition, together with a fee for the Domestic Relations Office in the amount of Fifty Dollars \$50.00, shall be delivered to the Domestic Relations



Office. The filing date shall be the effective date of any subsequent Order for alimony pendente lite.

2. Claims for alimony and final counsel fees and costs shall be referred by the Office of the Court Administrator to a Master unless otherwise directed by the Court.

3. Claims for interim counsel fees and costs shall be scheduled by the Office of the Court Administrator for hearing by the Court. The Complaint, other appropriate pleading, or petition shall be accomplished by a certification from counsel setting forth the services rendered or to be rendered, the hourly fee charged or to be charged for the same, and a listing of all costs and expenses for which reimbursement is sought.

B. No hearing shall be scheduled within the thirty (30) day period following the service of the Complaint or petition, this being the time period within which the parties are required pursuant to Pa.R.C.P. No. 1920.31(a)(1), to file the most recent federal income tax return, pay stubs for the preceding six months, and a completed income and expense statement in the form required in an action for support.

C. A party in whose favor an Order for alimony has been entered may, upon payment to the Domestic Relations Office of a registration fee of Fifty Dollars (\$50.00), register the Order. Upon registration, the Order shall be enforced in the same manner as are all other support Orders.

#### **Rule NCV-1920.33. Equitable Distribution.**

A. The pre-trial statement required by Pa.R.C.P. No. 1920.33(b) shall be filed and served upon the other party at least twenty (20) days prior to the scheduled hearing.

B. In addition to the items required in Pa.R.C.P. No. 1920.33(b), the pretrial statement shall include an analysis of each of the relevant factors in Section 3502 of the Divorce Code setting forth in detail their applicability or inapplicability in the case at hand.

C. A willful violation of these rules and the Pennsylvania Rules of Civil Procedure by failing to comply with filing requirements or not providing required information shall be grounds for contempt of Court and imposition of sanctions, and the Master is empowered to recommend that any person who willfully fails to comply be cited for contempt of Court.

#### **Rule NCV-1920.42. Affidavits and Decrees.**

A. A Praeipie to Transmit Record shall be filed with the Prothonotary. Attached thereto shall be a proposed decree and any agreement which the parties wish to have incorporated into the decree.

1. Any related claims that may have been raised but not pursued shall be withdrawn. The party filing the Praeipie to Transmit Record may withdraw any such claims by so noting on the Praeipie. Any outstanding claims by the opposing party may only be withdrawn by a praecipe signed by the party or his attorney of record in the following or a similar form: "The following claims are hereby withdrawn: \_\_\_\_\_", and such withdrawal shall be noted on the Praeipie to Transmit Record.

2. If severance or bifurcation has been granted, that fact and the pending claims shall be noted on the Praeipie to Transmit Record.

#### **Rule NCV-1920.51. Hearing by the Court, Appointment of a Master.**

A. All claims for divorce, annulment, equitable distribution, counsel fees, costs and expenses (other than

alimony pendente lite and disputed claims as to custody or paternity) shall be heard by a Master, and any requests for hearing before the Court instead of the Master shall be made by petition and rule and will be granted by the Court only upon good cause shown.

B. Where no other issues are involved except termination of the marriage by divorce or annulment under Section 3301(a) and (b) and Sections 3303—3305 of the Divorce Code, the motion for appointment of a Master may be filed by either party as soon as twenty (20) days have elapsed following the service of the complaint.

C. If, in addition to a claim for divorce or annulment of marriage, a claim is made for alimony, equitable distribution of marital property, of final counsel fee and/or costs, either party may move for the appointment of the Master after [1] one of the following has taken place: [a] a decree has been entered wherein a divorce has been granted but the Court has retained jurisdiction over unresolved claims, or [b] an Order has been entered approving the grounds for divorce but deferring the decree in divorce until a Master's hearing is held on unresolved claims, and [2] both parties have complied with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a).

1. If a party fails to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a), on praecipe of any party who has complied therewith, a rule shall be entered upon a non-complying party to file the information required by said Rules within thirty (30) days of the service of the rule.

a. The praecipe shall be prepared substantially in the following form:

"The [plaintiff][defendant] having complied fully with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), and the opposing party having failed to do so, it is hereby requested that a rule be entered as of course directing the opposing party to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) within thirty (30) days of the date of the service of the rule.

\_\_\_\_\_  
Attorney for [plaintiff][defendant]

RULE: AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the [plaintiff][defendant] is hereby directed to comply with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) within thirty (30) days of the date of the service of this rule.

\_\_\_\_\_  
Judge

b. If it is necessary for the Court subsequently to issue an Order directing compliance with Pa.R.C.P. Rules 1920.31(a)(1) and 1920.33(a) such Order shall, in the absence of compelling circumstances, contain inter alia a provision for payment to the moving party of the counsel fees and costs incurred in obtaining compliance.

D. The Motion for Appointment of Master shall be accompanied by a proposed Order Appointing Master setting forth the issues to be referred by the Court to the Master, and shall contain a certification that a copy of said Motion and the Proposed Order were served at least ten (10) days prior to the filing of said Motion upon opposing counsel, or the opposing party, if unrepresented.

#### **Rule NCV-1920.51A. Filing Fee: Compensation of Master.**

A. Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other fees, an administrative fee in the amount of \$125.00.

B. Upon the filing of a Motion for Appointment of a Master, an additional administrative fee of \$150.00 shall be paid to the Prothonotary.

C. The appearance fee, if any, by a stenographer for recording the master's proceedings shall be paid by the party requesting the hearing. The costs of transcripts shall be borne by any requested party.

[Pa.B. Doc. No. 17-990. Filed for public inspection June 16, 2017, 9:00 a.m.]

## PERRY COUNTY

### Local Rule 4007 and Local Rule 4008 of Judicial Administration; No. 2017-2

#### Order

And now, May 2, 2017, the Court hereby adopts the following new Local Rules of Judicial Administration:

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from [www.pacourts.us](http://www.pacourts.us).

(B) For an ordinary transcript, the requesting party shall file the original request with the office in which the matter is filed, specifically, the Prothonotary's office, Clerk of Courts' office, Register and Recorder's office, or Domestic Relations office.

(C) Where expedited or daily transcripts are requested, the original request shall be filed using the approved form in the appropriate filing office at least 10 days prior to the proceeding.

(D) The requesting party shall serve copies of the formal request to:

- (1) The court reporter assigned to the proceeding
- (2) The District Court Administrator
- (3) Opposing counsel or party, if party is unrepresented.

An affidavit of service shall be filed after service.

(E) When a private litigant requests a transcript, the litigant ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript.

(1) Deposit checks or money orders are to be made payable to the appropriate County: County of Perry or County of Juniata and shall be delivered to the District Court Administrator.

(2) Upon receipt of the 95% deposit, the court reporter assigned to the proceeding shall be directed to prepare the transcript.

(3) The court reporter(s) shall notify the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks or money orders for the

final balance due shall be made payable to the appropriate county and shall be delivered to the District Court Administrator.

(4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(F) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must follow the procedure set forth below.

(1) Transcript costs for ordinary transcripts in matters under appeal or in which the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript cost for ordinary transcripts in matters that are not subject to appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, or same-day transcripts may be waived at the Court's discretion for parties who qualify for economic hardship under either of the above sections and upon good cause shown.

(4) The application for waiver of all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

#### Rule 4008. Costs of Transcripts.

##### (A) *Costs payable*

(1) The costs payable by the initial ordering party for a transcript shall not exceed:

- i. For an ordinary transcript, \$2.75 per page
- ii. For an expedited transcript, \$3.75 per page
- iii. For a daily transcript, \$4.75 per page
- iv. For same-day delivery, \$6.75 per page
- v. For copies, \$.50 per page

(2) Transcript costs payable by the Commonwealth or a subdivision thereof shall be as follows:

- i. For an ordinary transcript, \$1.75 per page
- ii. For an expedited transcript, \$2.75 per page
- iii. For a daily transcript, \$3.75 per page
- iv. For same-day delivery, \$5.75 per page
- v. For copies, \$.50 per page.

(B) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

(1) \$.50 per page bound, paper format.

(C) A judge of the Court of Common Pleas may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation.

(D) A judge of the Court of Common Pleas may impose a reasonable surcharge for preparation of any transcript prepared in order to justly compensate a court reporter.

Said Local Rules of Judicial Administration shall be effective in the 41st Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KATHY A. MORROW,  
*President Judge*

[Pa.B. Doc. No. 17-991. Filed for public inspection June 16, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 1, 2017, Mary Ellen Chajkowski who resides in Jacksonville, FL, is Suspended from the Bar of this Commonwealth for a period of one year and one day. In accordance with Rule 217(f), Pa.R.D.E., since this suspended attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-992. Filed for public inspection June 16, 2017, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 129 ]

### Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A.

This proposed rulemaking would add § 129.63a (relating to control of VOC emissions from industrial cleaning solvents) to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for stationary sources of volatile organic compound (VOC) emissions from industrial cleaning solvents that are not regulated elsewhere in Chapter 129 or Chapter 130 (relating to standards for products). This proposed rulemaking would amend §§ 121.1 and 129.51 (relating to definitions; and general) to support the addition of § 129.63a. This proposed rulemaking would amend § 129.73 (relating to aerospace manufacturing and rework) to correct a numbering error in the table of VOC content limits. This proposed rulemaking would amend §§ 129.96, 129.97, 129.99 and 129.100 under the recently promulgated regulations for additional RACT requirements for major sources of nitrogen oxides (NO<sub>x</sub>) and VOCs (RACT 2) to update the list of presumptive VOC RACT regulations for which RACT 2 does not apply and to clarify certain requirements.

This proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following promulgation of the final-form rulemaking.

This proposed rulemaking is given under Board order at its meeting of March 21, 2017.

#### A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)").

#### C. Statutory Authority

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 5(a)(8) of the APCA also grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

#### D. Background and Purpose

Proposed § 129.63a would implement control measures to reduce VOC emissions from industrial cleaning solvents used and applied during cleaning unit operations at facilities which are not regulated elsewhere in Chapter 129 or Chapter 130. Industrial cleaning solvents are used or applied in a cleaning activity to remove a contaminant, including an adhesive, ink, paint, dirt, soil, oil or grease, from a cleaning unit operation or work production-related work area or from a part, product, tool, machinery, equipment, vessel, floor or wall.

VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere by industrial cleaning solvents, but forms from the photochemical reaction between emissions of VOCs and NO<sub>x</sub> in the presence of sunlight. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), proposed § 129.63a establishes VOC emission limitations and other requirements consistent with the recommendations of the EPA 2006 Industrial Cleaning Solvents Control Techniques Guidelines (CTG) (2006 ICS CTG) for these sources in this Commonwealth. See 71 FR 58745 (October 5, 2006); and Control Techniques Guidelines: Industrial Cleaning Solvents, EPA 453/R-06-001, Office of Air Quality Planning and Standards, EPA, September 2006.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ground-level ozone; particulate matter; NO<sub>x</sub>; carbon monoxide; sulfur dioxide; and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and welfare.

Ground-level ozone is a highly reactive gas, which at sufficiently high concentrations can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, animal health, vegetation, materials, economic values, and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ground-level ozone pollution may cause a variety of adverse health effects for both healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, and reduce lung capacity. Asthma is a significant and growing threat to children

and adults. High levels of ground-level ozone affect animals in ways similar to humans. High concentrations of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare, and the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards at a level of 0.08 part per million (ppm) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). Because ozone data is measured out to three decimal places, the standard effectively became 0.084 ppm because of rounding; areas with ozone levels as high as 0.084 ppm (84 parts per billion (ppb)) were considered as meeting the 0.08 ppm standard. In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004). Based on the certified ambient air monitoring data for the 2015 ozone season as well as the preliminary 2016 ozone season data, all monitored areas of this Commonwealth are attaining the 1997 8-hour ozone NAAQS. Maintenance plans have been submitted to the EPA and approved for the 1997 ozone standard. In accordance with section 175A(a) of the CAA (42 U.S.C.A. § 7505a(a)), the maintenance plans include permanent and enforceable control measures that will provide for the maintenance of the ozone NAAQS for at least 10 years following the EPA's redesignation of the areas to attainment. Eight years after the EPA redesignates an area to attainment, additional maintenance plans approved by the EPA must also provide for the maintenance of the ozone standard for another 10 years following the expiration of the initial 10-year period. See section 175A(b) of the CAA.

In March 2008, the EPA lowered the primary and secondary ozone NAAQS to 0.075 ppm (75 ppb) averaged over 8 hours to provide greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties. With regard to the 2008 ozone NAAQS, the certified 2015 ambient air ozone season monitoring data indicate that all areas of this Commonwealth are monitoring attainment of the 2008 ozone NAAQS. The Department's analysis of the preliminary 2016 ambient air ozone season monitoring data shows that ozone samplers in this Commonwealth, except the Bristol sampler in Philadelphia County, are monitoring attainment of the 2008 ozone NAAQS. As with the 1997 ozone NAAQS, the Department must ensure that the 2008 ozone NAAQS is attained and maintained by implementing permanent and enforceable control measures. At the Department's request, the EPA granted 1-year attainment date extensions for the 2008 ozone NAAQS in the Philadelphia and Pittsburgh-Beaver Valley Areas due to violating monitors in New Jersey and Maryland. Adoption of the VOC emission control measures in proposed § 129.63a would allow the Commonwealth to continue its progress in attaining and maintaining the 2008 8-hour ozone NAAQS.

On October 1, 2015, the EPA again lowered the primary and secondary ozone NAAQS, this time to 70 ppb averaged over 8 hours. See 80 FR 65292 (October 26, 2015). Based on certified ambient air monitoring data for the 2013–2015 ozone seasons, eight monitors in this Commonwealth have design values that violate the 2015 ozone NAAQS. The monitors are located in Allegheny, Armstrong, Bucks, Delaware, Indiana, Lebanon, Montgomery and Philadelphia Counties. Preliminary ambient air ozone monitoring data for the 2014–2016 ozone seasons, however, indicate that six counties have design values that violate the 2015 ozone NAAQS. These six monitors are located in Allegheny, Berks, Bucks, Delaware, Montgomery and Philadelphia Counties. As required under section 107(d) of the CAA (42 U.S.C.A. § 7407(d)), the Commonwealth submitted designation recommendations for the 2015 ozone NAAQS to the EPA on October 3, 2016. The designation recommendations were based on the ambient ozone concentrations from the 2013–2015 ozone seasons. The EPA is expected to issue final designations for attainment, nonattainment and unclassifiable areas for the 2015 ozone NAAQS in December 2017.

Reductions in VOC emissions that are achieved following the adoption and implementation of VOC RACT emission control measures for source categories covered by CTGs, including the use and application of industrial cleaning solvents during cleaning unit operations at facilities, will assist the Commonwealth in making substantial progress in achieving and maintaining the 1997 and 2008 8-hour ozone NAAQS. These emission reductions will also be necessary for progress in attaining and maintaining the new ozone NAAQS promulgated by the EPA at 80 FR 65292.

Proposed § 129.63a is designed to adopt VOC emission limitations and other requirements consistent with the RACT recommendations in the EPA's 2006 ICS CTG to meet the requirements of sections 172(c)(1), 182(b)(2) and 184(b)(1)(B) of the CAA. These VOC emission limitations and other requirements would apply across this Commonwealth as required under section 184(b)(1)(B) of the CAA. The control measures in proposed § 129.63a would reduce VOC emissions from the industrial cleaning solvents source category throughout this Commonwealth at those affected sources that do not already comply with the applicable control measures. The VOC emission reduction measures in proposed § 129.63a are reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS in this Commonwealth and to satisfy related CAA requirements.

There are no Federal statutory or regulatory RACT limits for VOC emissions from industrial cleaning solvents used or applied during cleaning unit operations at facilities. When developing the recommendations for the VOC emission reduction RACT measures included in the 2006 ICS CTG, the EPA took into account the data collected during the development of the 1994 Alternative Control Techniques Document-Industrial Cleaning Solvents. See 2006 ICS CTG, Appendix A (Alternative Control Techniques Document-Industrial Cleaning Solvents, EPA-453/R-94-015 February 1994).

State regulations to control VOC emissions from existing stationary sources of industrial cleaning solvents used or applied during cleaning unit operations at facilities are required under Federal law. The Commonwealth regulation will be reviewed and approved by the EPA as a revision to the Commonwealth's SIP if the provisions meet the RACT requirements of the CAA and its imple-

menting regulations. See 71 FR 58745. The EPA defines RACT as “[t]he lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” See 44 FR 53761 (September 17, 1979).

Section 110(a) of the CAA (42 U.S.C.A. § 7410(a)) provides that each state shall adopt and submit to the EPA a plan to implement measures (a SIP) to enforce the NAAQS or revision to the NAAQS promulgated under section 109(b) of the CAA. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include “reasonably available control measures,” including RACT, for sources of emissions of VOC and NO<sub>x</sub>. Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area’s date of attainment of the applicable ozone NAAQS. More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG and not just for those sources that are located in designated nonattainment areas of the state. Consequently, the Commonwealth’s SIP must include regulations applicable State-wide to control VOC emissions from existing stationary sources of industrial cleaning solvents used or applied during cleaning unit operations at facilities that are not regulated elsewhere in Chapter 129 or Chapter 130. The ground-level ozone reduction measures included in proposed § 129.63a would achieve VOC emission reductions and lowered concentrations of ground-level ozone locally and would also reduce the amounts of VOC emissions and ground-level ozone transported to downwind states. Adoption of VOC emission reduction requirements for these sources is part of the Commonwealth’s strategy, in concert with other OTR jurisdictions, to further reduce the transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the aggregate VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG document in place of a National regulation for a product category on the section 183(e) list when the EPA determines that the recommendations of the CTG, when implemented by the affected states, will be “substantially as effective as regulations” in reducing emissions of VOC in ozone nonattainment areas. In 1995, the EPA listed industrial cleaning solvents on its section 183(e) list and, in 2006, issued a CTG for this product category. See 60 FR 15264, 15267 (March 23, 1995); 71 FR 58745; and Control Techniques Guidelines: Industrial Cleaning Solvents, EPA 453/R-06-001. The 2006 ICS CTG is available on the EPA web site at <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-solvent-use-and-surface>.

In the 2006 notice of final determination and availability of final CTGs, the EPA determined that the recommendations of the 2006 ICS CTG would be substantially as effective as National regulations in reducing VOC emissions from the industrial cleaning solvents product category in ozone nonattainment areas. See 71 FR 58745. The CTG provides states with the EPA’s recommendation

of what constitutes RACT for the covered category. State air pollution control agencies may use the Federal recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies may implement other technically-sound approaches that are consistent with the CAA requirements and the EPA’s implementing regulations or guidelines.

The Department’s Bureau of Air Quality reviewed the RACT recommendations regarding VOC emission reduction measures included in the 2006 ICS CTG for their applicability to the ground-level ozone reduction measures necessary for this Commonwealth. The Bureau of Air Quality determined that VOC emission reduction measures and other requirements generally consistent with the recommendations provided in the 2006 ICS CTG are appropriate to be implemented in this Commonwealth as RACT for this source category.

The types of persons, businesses, small businesses and organizations that would be affected by proposed § 129.63a vary. The 2006 ICS CTG states that the recommendations apply to industries that have to use organic solvent to conduct cleaning activities in cleaning unit operations such as mixing vessels (tanks), spray booths and parts cleaners. The cleaning activities for the removal of foreign material from the substrate being cleaned include actions (activities) such as wiping, flushing or spraying. Proposed § 129.63a would apply to the owner and the operator of a facility at which an industrial cleaning solvent is used or applied in a cleaning activity to remove a contaminant, including an adhesive, ink, paint, dirt, soil, oil or grease, from a cleaning unit operation production-related work area or from a part, product, tool, machinery, equipment, vessel, floor or wall, except as specified in proposed § 129.63a(c), which lists exceptions and exemptions. A cleaning unit operation is an operation at a facility that is a source of VOC emissions from a cleaning activity. A cleaning activity is the use or application of an industrial cleaning solvent formulated with one or more regulated VOCs to remove a contaminant from a substrate or from equipment used to apply a material. Cleaning unit operations covered by proposed § 129.63a would include cleaning activities such as spray gun cleaning, spray booth cleaning, large manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, tank cleaning and small manufactured components cleaning. Cleaning unit operations under proposed § 129.63a would not include VOC emissions from the use or application of consumer products subject to §§ 130.201–130.471 (relating to consumer products), including an institutional product or industrial and institutional product as defined in § 130.202 (relating to definitions) for cleaning offices, bathrooms or other areas that are not part of a cleaning unit operation or work production-related work area.

Proposed § 129.63a would not apply to the owner and operator of a cleaning unit operation associated with certain categories specified under exceptions and exemptions in proposed subsection (c). Subsection (c)(1) specifies industry sectors and product categories that would be exempt from proposed § 129.63a. Subsection (c)(2) specifies that the proposed VOC emission limitations of subsection (e) would not apply to the use or application of a noncomplying industrial cleaning solvent by the owner or operator of a cleaning unit operation at a facility subject to subsection (a) under certain circumstances—if the use or application of the noncomplying industrial cleaning solvent is subject to a standard or specification required



by the United States Department of Defense, Federal Aviation Administration or other Federal government entity, or if the use or application of the noncomplying industrial cleaning solvent is associated with the cleaning of screen printing equipment and the industrial cleaning solvent used or applied has an as applied VOC content that does not exceed 4.2 pounds of VOC per gallon (lb VOC/gal) (500 grams of VOC per liter (g VOC/l)). An owner or operator claiming one of these exemptions would be subject to specified recordkeeping and reporting requirements.

Proposed § 129.63a(c)(3) specifies that the VOC emission limitations of subsection (e) and the work practice requirements of subsection (f) would not apply to the owner or operator of a facility subject to subsection (a) if the total combined actual VOC emissions from all subject cleaning unit operations at the facility are less than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. An owner or operator claiming this exemption would be subject to specified recordkeeping and reporting requirements.

The EPA estimated that there were 166 facilities in this Commonwealth that would be affected by the recommended 2006 ICS CTG control measures. The Department expects that the universe of potentially affected facility owners and operators could be larger than the group of 166 facility owners and operators identified by the EPA due to the proposed threshold of 2.7 tons (2,455 kilograms) of VOC emissions per 12-month rolling period, before consideration of controls, for implementing the VOC emission control measures. This threshold is equivalent to an average daily emission rate of 15 pounds (6.8 kilograms) of VOC emissions per day, which is equivalent to the evaporation of approximately 2 gallons of VOC-containing industrial cleaning solvent per day. The Department therefore requested the assistance of the Commonwealth's Small Business Development Center's Environmental Management Assistance Program (EMAP) in generating a list of potentially affected businesses in this Commonwealth. The Department's assessment of the number of owners and operators of facilities potentially subject to proposed § 129.63a resulted from reviewing information obtained from the EMAP as well as information from databases maintained by the Department. The Department also reviewed the methodology of an analysis prepared in 2010 by E.H. Pechan & Associates, Inc. (Pechan) for the State of Texas. The Pechan analysis was used by Texas Department of Environmental Quality staff to assess the impact of their industrial cleaning solvents proposed rulemaking. The Department applied a process similar to the one used by Pechan in Texas to delineate the number of businesses in this Commonwealth that may be impacted by proposed § 129.63a.

The EPA listed 469 North American Industry Classification System (NAICS) codes for identifying businesses potentially covered by the 2006 ICS CTG recommendations. The complete list is found in the 2006 ICS CTG in Appendix C, "Summary of NAICS Codes for nonattainment facilities estimated to meet the applicability criteria recommended in this CTG." As noted by Pechan for the Texas Department of Environmental Quality, the list of NAICS codes provided by the EPA includes cleaning unit operations at source categories for which VOC emission control regulations already exist in Chapters 129 and 130. Further, it is important to note that a business owner or operator is allowed to select and report the NAICS code of its own choosing. Prior experience by Department staff has shown that this self-reporting of NAICS codes is

problematic when trying to accurately identify potentially affected facility owners and operators in this Commonwealth.

The EMAP provided the Department with a list of potentially affected businesses in this Commonwealth using the 469 NAICS codes included in the 2006 ICS CTG. The initial list identified 144,222 facilities of all sizes. It is likely that many of the facility owners and operators identified by the EMAP solely through the use of the EPA list of NAICS codes may be subject to other regulations in Chapter 129 or Chapter 130 and therefore are not subject to proposed § 129.63a. The Department cross-referenced the NAICS codes from the EMAP list of 144,222 facilities with the list of NAICS codes generated by Pechan as likely being subject to the Texas industrial cleaning solvents rulemaking. Ten NAICS codes from the Pechan report list were identified in the EMAP list. This cross-referencing reduced the number of potentially affected facility owners and operators in this Commonwealth to 45,718. From Pechan's analysis, it was further determined that only about 1.26% of identified facilities in Texas would be subject to the Texas industrial cleaning solvents rulemaking. Applying the same percentage to this Commonwealth's "universe" of 45,718, it is estimated that as many as 576 ( $45,718 \times 1.26\%$ ) facility owners and operators in this Commonwealth may potentially be subject to proposed § 129.63a. Also from the Pechan analysis, it was determined that 44% of the potentially subject facilities in Texas were likely small businesses. Applying this percentage to the potentially subject group of 576 facility owners and operators identified by the EMAP, the Department estimated that 253 ( $576 \times 44\%$ ) facility owners and operators may be small businesses.

The Department also gathered information about potentially affected facility owners and operators from the Environmental Facility Application Compliance Tracking System (eFACTS) database and the Air Information Management System (AIMS) database. These are Department permitting and air emissions databases that share data and interface with each other. The eFACTS database contains facility-specific information, including the NAICS code, for permitted facilities and for some previously inspected facilities for which permits are not required. The AIMS database contains site-specific source and air pollutant emissions data, as well as NAICS codes, to maintain the air pollutant emissions inventory. The eFACTS and AIMS database systems do not provide an exhaustive list of all facility owners and operators that conduct industrial cleaning solvent activities in this Commonwealth. The databases include only those facility owners and operators with which the Department has had contact and for which the Department has a reason to input data; these are usually the largest emitters of air pollutants, which may or may not meet the definition of "small business" in accordance with section 3 of the Regulatory Review Act (71 P.S. § 745.3). This database analysis revealed that the owners or operators of approximately 3,154 facilities in this Commonwealth have a permit issued by the Department that includes provisions for the control of VOC emissions from industrial cleaning solvent processes. Using the factor of 1.26% developed by Pechan for the Texas analysis, the Department estimates that approximately 40 ( $1.26\% \times 3,154$ ) of these permitted facility owners and operators would be subject to proposed § 129.63a. The remaining 3,114 permitted facility owners and operators are likely subject to cleaning solvent requirements elsewhere in Chapter 129 or Chapter 130 and therefore are reflected in the exceptions listed in proposed subsection (c). Of the potentially affected 40



permitted facility owners and operators, the Department applied the 44% factor developed by Pechan to calculate that as many as 18 ( $40 \times 44\%$ ) facility owners and operators identified from the Department's databases may be small businesses.

The draft proposed Annex A was initially discussed with the advisory committees in 2014. The Air Quality Technical Advisory Committee (AQTAC) was briefed on the draft proposed Annex A on February 20, 2014. AQTAC voted six-four-one to concur with the Department's recommendation to move the proposed rulemaking forward to the Board with consideration of the comments and concerns, including exemptions and exceptions for feasibility and technical concerns for specialty industries, discussed at the meeting. The draft proposed Annex A was discussed with the Small Business Compliance Advisory Committee (SBCAC) on April 23, 2014. The SBCAC voted unanimously to concur with the Department's recommendation to forward the proposed rulemaking to the Board, with consideration of flexibility for small businesses. In addition, the draft proposed Annex A was discussed with the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, the CAC voted on June 17, 2014, to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration.

After consideration of the comments and concerns discussed at the February 20, 2014, AQTAC meeting and the April 23, 2014, SBCAC meeting, and further research on the requirements of other states' regulations, the Department made revisions to the draft proposed Annex A and presented it to the advisory committees for a second time in 2016. Changes to the draft Annex A language for proposed § 129.63a were made to address AQTAC concerns about the emission reduction implementation threshold, exceptions and exemptions, daily recordkeeping and clarity of language, as well as provide greater flexibility for small businesses as requested by the SBCAC. These changes included revising the threshold for implementation of the VOC emission reduction measures from the EPA's recommended 15 pounds (6.8 kilograms) of VOC emissions per day, before consideration of controls, to 2.7 tons (2,455 kilograms) of VOC emissions over a 12-month rolling period, before consideration of controls. The emission of 2.7 tons (2,455 kilograms) of VOCs per 12-month rolling period is equivalent to an average daily emission rate of 15 pounds (6.8 kilograms) of VOC emissions per day, which is equivalent to the evaporation of approximately 2 gallons of VOC-containing industrial cleaning solvent per day. The threshold of 2.7 tons (2,455 kilograms) per 12-month rolling period will provide greater flexibility for small businesses by providing the opportunity to average subject emissions over 12 months by adding the most recent month of data to the 12-month rolling period and dropping the oldest month of data. An exemption provision was added for the use or application of a noncomplying industrial cleaning solvent that is subject to a standard or specification required by the United States Department of Defense, Federal Aviation Administration or other Federal government entity. Technical feasibility concerns for screen printers were also addressed under exceptions and exemptions by specifying that an industrial cleaning solvent used or applied for the cleaning of screen printing equipment has an as applied VOC content that does not exceed 4.2 lb VOC/gal (500 g VOC/l) of industrial cleaning solvent. Digital printing was also added to the list of exceptions and exemptions, as well as the cleaning of resin, coating, ink

or adhesive mixing, and molding and application equipment. The revised draft proposed Annex A also included minor clarifying changes to § 129.73 to correct a numbering error. Amendments are not proposed to emission limits or other substantive requirements in § 129.73.

The revised draft proposed Annex A was discussed with the AQTAC on February 11, 2016. AQTAC voted 15-2-0 to concur with the Department's recommendation to present the proposed rulemaking to the Board for consideration for adoption and publication as a proposed rulemaking for public comment. The revised draft proposed Annex A was discussed with the CAC's Policy and Regulatory Oversight Committee on March 2, 2016. On the recommendation of the Policy and Regulatory Oversight Committee, the CAC voted on March 15, 2016, to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration. The revised draft proposed Annex A was discussed with the SBCAC on April 27, 2016. The SBCAC again voted unanimously to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration.

Advisory committee meetings are advertised and open to the public.

The proposed amendments to §§ 129.96, 129.97, 129.99 and 129.100 were added after the revised draft proposed Annex A was discussed with the advisory committees. The minor clarifying amendments are made in response to the adoption of the RACT 2 regulations. Amendments are not proposed to the emission limits or other substantive requirements in these sections.

Additionally, after the revised draft proposed Annex A was discussed with the advisory committees, a revision was made to proposed § 129.63a(h)(1)(i)(C) and (D) to clarify that the composite vapor pressure of the complying industrial cleaning solvent as supplied and as applied shall be determined in accordance with subsections (i) and (j). A revision was made to subsection (h)(2)(ii) to clarify that the composite vapor pressure as applied for the exempt industrial cleaning solvent shall be determined in accordance with subsections (i) and (j). A revision was made to subsection (h)(3)(ii) to clarify that the composite vapor pressure as applied for the screen printing equipment industrial cleaning solvent shall be determined in accordance with subsections (i) and (j). A revision was made to add subsection (i)(3) to specify that the composite vapor pressure of organic compounds in cleaning unit operation industrial cleaning solvents may be determined through documentation provided by the manufacturer of the industrial cleaning solvent, including a Material Safety Data Sheet (MSDS), Certified Product Data Sheet (CPDS) or other data certified by the manufacturer. A revision was also made to add subsection (j)(3) to specify that the vapor pressure of each single component compound in a cleaning unit operation industrial cleaning solvent may be determined through documentation provided by the manufacturer of the single component compound, including an MSDS, CPDS or other data certified by the manufacturer. These revisions were made in response to a question asked by an AQTAC member at the February 11, 2016, meeting.

#### *E. Summary of Regulatory Requirements*

##### *§ 121.1. Definitions*

An error in the definition of "cleaning solvent" is proposed to be corrected by adding a comma.

*§ 129.51. General*

Subsection (a) is proposed to be amended to establish that compliance with proposed § 129.63a may be achieved by alternative methods.

Subsection (a)(3) is proposed to be amended to establish that compliance with the applicable emission limitation in proposed § 129.63a by a method other than the use of compliant materials shall be determined on the basis of equal volumes of solids.

Subsection (a)(6) is proposed to be amended to establish that the alternative compliance method must be incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with proposed § 129.63a.

*§ 129.63a. Control of VOC emissions from industrial cleaning solvents*

Under subsection (a), this proposed section would apply to the owner and the operator of a facility at which an industrial cleaning solvent is used or applied in a cleaning activity at a cleaning unit operation, a work production-related work area or a part, product, tool, machinery, equipment, vessel, floor or wall.

Subsection (b) would establish definitions of "cleaning activity," "cleaning unit operation," "industrial cleaning solvent" and "regulated VOC" to be used in this section.

Subsection (c) would establish exceptions and exemptions for specific circumstances. The list of exceptions under subsection (c)(1) includes cleaning unit operations subject to § 129.63 (relating to degreasing operations) or 40 CFR Part 63, Subpart T (relating to National emission standards for halogenated solvent cleaning), cleaning unit operations associated with a source category covered by an existing regulation elsewhere in Chapter 129 or Chapter 130 and cleaning unit operations associated with certain other specified source categories. Subsection (c)(2) would establish that the VOC emission limitations of subsection (e) do not apply to the use or application of a noncomplying industrial cleaning solvent by the owner or operator of a cleaning unit operation at a facility subject to subsection (a) that uses or applies a noncomplying industrial cleaning solvent subject to a standard or specification required by a Federal government entity or that uses or applies a noncomplying industrial cleaning solvent associated with the cleaning of screen printing equipment when the as applied industrial cleaning solvent VOC content is 4.2 lb VOC/gal (500 g VOC/l) of industrial cleaning solvent or less. Subsection (c)(3) would establish that the VOC emission limitations of subsection (e) and the work practice requirements of subsection (f) do not apply to the owner or operator of a facility subject to subsection (a) if the total combined actual VOC emissions from all subject cleaning unit operations at the facility are less than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. These owners and operators would still be subject to the recordkeeping and reporting requirements of subsection (h).

The Board is requesting comment on the need to establish an exemption for the use and application of an industrial cleaning solvent subject to a standard or specification required by a plastic recycling operation.

Subsection (d) would establish that the requirements of this section supersede the requirements of a RACT permit issued to the owner or operator of a cleaning unit operation subject to this section prior to the effective date of adoption of this proposed rulemaking under

§§ 129.91–129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) to control, reduce or minimize VOCs from cleaning unit operation cleaning activities at the facility, except to the extent the RACT permit contains more stringent requirements.

Subsection (e) would establish that, beginning with the effective date of adoption of this proposed rulemaking, the owner or operator of a facility at which the total combined actual VOC emissions from all subject cleaning unit operations at the facility are equal to or greater than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls, may not cause or permit the emission into the outdoor atmosphere of VOCs from an industrial cleaning solvent used or applied in a cleaning unit operation subject to this section at the facility, unless the industrial cleaning solvent meets one of the two specified emissions limitation options. The first emissions limitation option is to use an industrial cleaning solvent with either a VOC content less than or equal to 0.42 lb VOC/gal (50 g VOC/l) as applied or a VOC composite vapor pressure less than or equal to 8 mm mercury at 68°F (20°C) as applied. The second emissions limitation option is to use a VOC emissions capture system and an add-on air pollution control device that is acceptable under § 129.51(a) to reduce the weight of VOCs emitted to the atmosphere from cleaning unit operation cleaning activities. The overall emission reduction of a control system, as determined by the test methods and procedures specified in Chapter 139 (relating to sampling and testing), may not be less than 85% or may not be less than the equivalent efficiency as calculated by the specified equation, whichever is less stringent. As with all RACT regulations, an owner or operator with VOC emissions at or above the threshold to implement the VOC emission control measures would remain subject to the VOC emission control requirements of proposed § 129.63a even if the VOC emissions from the affected sources fall below the emissions threshold for implementation of the VOC emission control measures.

Proposed § 129.63a would establish an emissions threshold of 2.7 tons (2,455 kilograms) of VOC per 12-month rolling period, before consideration of controls, for consistency with other regulations in Chapter 129 and with SIP-approved requirements in other states. Emission levels at, above and below this threshold would determine with which other specified requirements a subject facility owner or operator would need to comply, including VOC emission limitations, work practice requirements, and recordkeeping and reporting requirements. The emission of 2.7 tons (2,455 kilograms) of VOCs per 12-month rolling period is equivalent to an average daily emission rate of 15 pounds (6.8 kilograms) per day, which is equivalent to the evaporation of approximately 2 gallons of industrial cleaning solvent per day. The Board is requesting comment on whether the emissions threshold should be established at 15 pounds (6.8 kilograms) of VOC per day as recommended by the 2006 ICS CTG. The proposed emissions threshold of 2.7 tons (2,455 kilograms) per 12-month rolling period would provide greater flexibility for small businesses by providing the opportunity to average subject emissions over 12 months by adding the most recent month of data to the 12-month rolling period and dropping the oldest month of data. An affected owner or operator with 1 day or more of VOC emissions higher than 15 pounds (6.8 kilograms) could average those emissions over the month and the 12-month rolling period to maintain an emission rate that would be below the 2.7 tons (2,455 kilograms) per 12-month rolling period and thereby not be required to



implement the VOC emission control measures. If the threshold for implementing the VOC emission controls is 15 pounds (6.8 kilograms) per day, an affected owner or operator with just 1 day of 15 pounds (6.8 kilograms) or more of emissions would be required to implement the VOC emission control measures, regardless of whether the level of emissions on the other days of operation is consistently below the 15 pounds (6.8 kilograms) per day.

Subsection (f) would establish work practice requirements for industrial cleaning solvents, used shop towels and waste materials.

Subsection (g) would establish requirements for affected owners and operators to demonstrate compliance.

Subsection (h) would establish recordkeeping and reporting requirements.

Subsection (i) would establish procedures for determining the composite vapor pressure of organic compounds in cleaning unit operation industrial cleaning solvents.

Subsection (j) would establish procedures for determining the vapor pressure of each single component compound in a cleaning unit operation industrial cleaning solvent.

Subsection (k) would establish ASTM method references.

#### § 129.73. *Aerospace manufacturing and rework*

Table II (relating to allowable content of VOCs in aerospace coatings) is proposed to be amended to correct a numbering error. The coating type "high-temperature coating" was numbered incorrectly as (20)(a) and is proposed to be renumbered as (21). The succeeding coating types would be renumbered accordingly. The title of Table II is proposed to be amended to delete the redundant phrase "allowable VOC content." No other amendments are proposed to this section.

#### § 129.96. *Applicability*

#### § 129.97. *Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule*

#### § 129.99. *Alternative RACT proposal and petition for alternative compliance schedule*

#### § 129.100. *Compliance demonstration and recordkeeping requirements*

Minor clarifying amendments are proposed for §§ 129.96, 129.97, 129.99 and 129.100 under the recently promulgated regulations for additional RACT requirements for major sources of NO<sub>x</sub> and VOCs to update the list of presumptive VOC RACT regulations for which RACT 2 does not apply and to clarify certain requirements.

Section 129.96(a) and (b) (relating to applicability) is proposed to be amended to revise the list of regulations under which a presumptive RACT requirement or presumptive RACT emission limitation, or both, has been established from "§§ 129.51—129.52c" to "§§ 129.51—129.52e" and from "§§ 129.71—129.73, 129.75" to "§§ 129.71—129.75" to add recently promulgated §§ 129.52d, 129.52e and 129.74 (relating to control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; control of VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations; and control of VOC emissions from fiberglass boat manufacturing materials).

Sections 129.97(k)(1)(ii) and 129.99(i)(1)(ii) (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule; and alternative RACT proposal and petition for alternative compliance schedule are proposed to be amended to add "or major VOC emitting facility" for clarity.

Section 129.100(a) (relating to compliance demonstration and recordkeeping requirements) is proposed to be amended to add "RACT" in two places for clarity.

Amendments to the emission limits or other substantive requirements in these four sections are not proposed.

### F. *Benefits, Costs and Compliance*

#### *Benefits*

The Department estimates that the owners and operators of as many as 576 facilities across this Commonwealth may potentially be subject to proposed § 129.63a, of which as many as 253 may meet the definition of "small business" in section 3 of the Regulatory Review Act. It is possible that far fewer than 576 facility owners and operators would be subject to this proposed section, depending on if the VOC emissions are from a cleaning unit operation subject to an existing regulation in Chapter 129 or Chapter 130, or qualify for an exemption under proposed subsection (c).

Using data from the 2002 National Emissions Inventory database, the EPA provides in the 2006 ICS CTG that of the total VOC emissions from solvent cleaning operations Nationally (64,000 megagrams per year (Mg/yr); 71,000 tons per year (tpy)), approximately 4,000 Mg/yr (4,400 tpy) were from degreasing operations that use industrial cleaning solvents. The Department regulates the VOC emissions from degreasing operations under § 129.63. The remaining 60,000 Mg/yr (66,600 tpy) were from the other solvent cleaning activities that are the subject of proposed § 129.63a. Therefore, of the total VOC emissions from solvent cleaning operations of 71,000 tpy, approximately 6% of those emissions were from degreasing operations and approximately 94% were from other industrial cleaning solvent cleaning activities.

The EPA estimated that 166 facilities in this Commonwealth would be affected by the recommended 2006 ICS CTG control measures, with baseline total emissions of VOC of 3,660 Mg/yr. The 3,660 Mg/yr converts to 4,034 tpy. Prorating this amount of emissions to the Department's estimated group of 576 potentially affected facility owners and operators projects total VOC emissions of as much as 13,997 tpy (576 facilities/X tpy = 166 facilities/4,034 tpy) if the VOC emissions from subject cleaning activities are not already controlled. Of the total projected VOC emissions of 13,997 tpy from the potentially affected group of 576 facility owners and operators, as much as 13,157 tpy (13,997 tpy × 94%) may be from the other solvent cleaning activities addressed by proposed § 129.63a.

The EPA assumed that the average VOC concentration of high VOC-content solvents is 900 g VOC/l of solvent. The EPA-recommended VOC emission control limit for an industrial cleaning solvent is a VOC concentration of 50 g VOC/l. The use of an industrial cleaning solvent with a VOC content of 50 g VOC/l would be a reduction of approximately 95% or 95% control efficiency ( $[(900 \text{ g/l} - 50 \text{ g/l}) / 900 \text{ g/l}] \times 100 = 95\%$ ).

The Department estimated the maximum amount of potential VOC emission reductions that may be generated through implementation of the control measures in proposed § 129.63a by using the EPA's control efficiency of

95% times the estimated projected amount of total VOC emissions of 13,157 tpy. The estimated amount of VOC emission reductions from the potentially affected 576 facility owners and operators, including small businesses, could be as much as 12,499 tpy (13,157 tpy  $\times$  95%). The estimated average amount of potential VOC emission reductions per affected owner and operator could be approximately 22 tpy per affected facility (12,499 tpy/576 facilities). The amount of VOC emission reductions achieved by implementing these control measures could be less depending on the level of compliance already demonstrated by the affected facility owners and operators.

The Statewide implementation of the VOC emission control measures in proposed § 129.63a would benefit the health and welfare of the approximately 12.77 million residents and the numerous animals, crops, ecosystems and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function as well as other adverse health effects leading to a lower quality of life. Reduced ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion. High levels of ground-level ozone affect animals, including pets, livestock and wildlife, in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that high levels of ground-level ozone affect vegetation and ecosystems leading to: reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas.

The Statewide implementation of the control measures in proposed § 129.63a would assist the Department in reducing VOC emissions from the specified industrial cleaning solvents activities locally and reducing the resultant local formation of ground-level ozone and transport of VOC emissions and ground-level ozone to downwind states. Statewide implementation would also facilitate enforcement of proposed § 129.63a within this Commonwealth. The measures in proposed § 129.63a are reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

Proposed § 129.63a may create economic opportunities for VOC emission control technology innovators, manufacturers and distributors through an increased demand for new or improved equipment. In addition, the owners and operators of regulated facilities may be required to install and operate an emissions monitoring system or equip-

ment necessary for an emissions monitoring method to comply with proposed § 129.63a, thereby creating an economic opportunity for the emissions monitoring industry.

On February 3, 2017, the EPA published a finding that the District of Columbia and 15 states, including the Commonwealth, failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 ozone NAAQS that apply to the OTR. See 82 FR 9158 (February 3, 2017). The finding related to the Commonwealth is based on its failure to submit certain required RACT SIP elements, including RACT for industrial cleaning solvents, by July 20, 2014. See 82 FR 9158, 9160. The effective date of the finding of failure to submit is March 6, 2017. The Commonwealth must submit the missing SIP elements to the EPA by 18 months from the effective date, or September 6, 2018. The timely submission of a SIP revision based on this proposed rulemaking, when promulgated, is necessary to avoid costs to the Commonwealth from potential sanctions imposed by the EPA under section 179 of the CAA (42 U.S.C.A. § 7509), including the costs of additional offsets for new or modified sources of emissions and costs related to the loss of Federal highway funding.

The proposed amendments to §§ 121.1, 129.51, 129.73, 129.96, 129.97, 129.99 and 129.100 are clarifying amendments only. These proposed amendments would not change the social or environmental impact of these sections on the health and welfare of the residents and the ecosystems and natural areas of this Commonwealth or the regulated community. The benefits of these proposed revisions would be improved clarity.

#### *Compliance costs*

Using the EPA cost number of \$1,453 as the baseline for annual operating costs and the cost range of \$1,171 to \$1,480 to implement the recommended control measures in proposed § 129.63a, the estimated combined total economic impact for the owners and operators of the estimated 576 potentially affected facilities, including small businesses, ranges from annual costs of as low as \$15,552 to total annual savings of \$162,432. The annual financial impact on potentially affected facility owners and operators could range from an average savings of \$282 per affected facility owner and operator to an average cost of \$27 per affected facility owner and operator. The cost effectiveness could range from a savings of approximately \$12.99 per ton of VOC emissions reduced per year (\$162,432 total savings/12,499 tons of total VOC emissions reduced per year) to a cost of approximately \$1.24 per ton of VOC emissions reduced per year (\$15,552 costs/12,499).

The monetized health benefits to residents in this Commonwealth and the economic benefits to agricultural, hardwoods and tourism industries in this Commonwealth as a result of attaining and maintaining the ground-level 8-hour ozone NAAQS, achieved in part through reduced emissions of ozone precursors from the use of compliant industrial cleaning solvents in this Commonwealth, are considerable in comparison to the costs that would be incurred by the owners and operators of potentially subject facilities to comply with proposed § 129.63a. The EPA has estimated the monetized health benefits of attaining the 2008 and 2015 ozone NAAQS. The EPA estimated that the monetized health benefits of attaining the 2008 8-hour ozone NAAQS of 0.075 ppm range from \$8.3 billion to \$18 billion on a National basis by 2020. See "Regulatory Impact Analysis—Final National Ambient Air Quality Standard for Ozone," July 2011. Prorating that



benefit to this Commonwealth, based on population, results in a public health benefit of \$337 million to \$732 million. Similarly, the EPA estimated that the monetized health benefits of attaining the 2015 8-hour ozone NAAQS of 0.070 ppm range from \$1.5 billion to \$4.5 billion on a National basis by 2025. See "Regulatory Impact Analysis of the Final Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone," September 2015. Prorating that benefit to this Commonwealth, based on population, results in a public health benefit of \$63 million to \$189 million. These estimated monetized health benefits would not all be the result of implementing the RACT measures in proposed § 129.63a, but the EPA estimates are indicative of the benefits to residents in this Commonwealth of attaining and maintaining the 2008 and 2015 8-hour ozone NAAQS through the implementation of a suite of measures to control VOC emissions in the aggregate from different source categories.

The estimated combined total economic impact for the owners and operators of the 576 potentially affected facilities ranges from annual costs of \$15,552 to total annual savings of \$162,432. The worst-case scenario of annual costs of \$15,552 for the affected owners and operators is very small in comparison to the potential economic gains in public health and welfare to residents in this Commonwealth of attaining and maintaining the 8-hour ozone NAAQS. The estimated annual financial impact on potentially affected facility owners and operators, including small businesses, could range from an average annual savings of \$282 per affected facility owner and operator to an average annual cost of \$27 per affected facility owner and operator, again a very small financial impact on the regulated community in comparison to the potential economic gains in public health and welfare.

The negative impacts on individuals, small businesses, labor communities and the regulated community are expected to be minimal to none. The owner and operator of an affected facility would likely incur savings or, in the worst case scenario, little-to-no cost to implement the requirements of proposed § 129.63a. Common industrial cleaning solvents, such as Stoddard solvent, mineral spirits and other common solvents provided by suppliers, have vapor pressures well below the 8 mm mercury limit in proposed § 129.63a. The owners and operators of potentially affected facilities such as automobile repair garages and metal parts manufacturing facilities, as well as other common manufacturing facilities already using these materials, would not likely need to make any changes to their industrial cleaning solvent materials.

Because of the wide availability and lower cost (compared to the installation and operation of a VOC emissions capture system and an add-on air pollution control device) of compliant VOC content industrial cleaning solvent materials, these are generally used to reduce VOC emissions from industrial cleaning solvent activities. The regulated industry in this Commonwealth is expected to realize cost savings because low-VOC content industrial cleaning solvent materials are readily available at a cost that is lower than the high-VOC content industrial cleaning solvent materials they replace as a result of similar requirements already in effect in neighboring states.

The VOC emission limitations established by proposed § 129.63a would not require the submission of applications for amendments to existing operating permits. These requirements would be incorporated as applicable

requirements at the time of permit renewal, if less than 3 years remain in the permit term, as specified under § 127.463(c) (relating to operating permit revisions to incorporate applicable standards). If 3 years or more remain in the permit term, the requirements would be incorporated as applicable requirements in the permit within 18 months of the promulgation of the final-form rulemaking, as required under § 127.463(b). Most importantly, § 127.463(e) specifies that "[r]egardless of whether a revision is required under this section, the permittee shall meet the applicable standards or regulations promulgated under the Clean Air Act within the time frame required by standards or regulations." Consequently, upon adoption, proposed § 129.63a would apply to affected owners and operators irrespective of a modification to the operating permit.

The proposed amendments to §§ 121.1, 129.51, 129.73, 129.96, 129.97, 129.99 and 129.100 are clarifying amendments only. These proposed amendments would not change the financial impact of these sections on affected persons or the regulated community. The benefits of these proposed amendments would be improved clarity.

New legal, accounting or consulting procedures would not be required to comply with this proposed rulemaking.

#### *Compliance assistance plan*

The Department plans to educate and assist the public and regulated community in understanding the proposed requirements and how to comply with them. This would be accomplished through the Department's ongoing compliance assistance program. The Department would also work with the Small Business Assistance Program to aid the owners and operators of facilities less able to handle permitting matters with in-house staff.

#### *Paperwork requirements*

The owner and operator of a cleaning unit operation subject to proposed § 129.63a would be required to keep records of specified information for industrial cleaning solvent materials, as applicable, sufficient to demonstrate compliance with the applicable requirements of this section for the emission levels at, above and below the threshold of 2.7 tons (2,455 kilograms) of VOC emissions per 12-month rolling period, before consideration of controls. Demonstration of VOC emission levels at, above and below this threshold would determine with which other specified requirements a subject facility owner or operator would need to comply, including work practice requirements, compliance demonstration requirements and recordkeeping and reporting requirements. Proposed § 129.63a would establish monthly recordkeeping requirements of specified parameters of industrial cleaning solvents, including VOC content and composite vapor pressure, for the owner and operator of an affected facility, regardless of the total amount of combined actual VOC emissions from subject industrial cleaning solvent unit operations at the facility. Records of operating parameters would be required of the owner and operator of an affected facility if a VOC emissions capture system and an add-on air pollution control device are used to ensure compliance. Recordkeeping requirements are expected to be minimal for the affected facility owners and operators; the recordkeeping requirements for many affected facility owners and operators would likely be met by using the monthly purchase records and material safety data sheets that most facility owners and operators already keep for other purposes. Records shall be maintained onsite for 2 years, unless a longer period is required under Chapter 127 (relating to construction,

modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department. Records shall be submitted to the Department in an acceptable format upon receipt of a written request from the Department.

The proposed amendments to §§ 121.1, 129.51, 129.73, 129.96, 129.97, 129.99, and 129.100 are clarifying amendments only. These proposed amendments would likely not change the legal, accounting, consulting or recordkeeping and reporting impact of these sections on the regulated entities.

#### *G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facility owners and operators that permanently achieve or move beyond compliance.

Statewide implementation of the VOC emission control measures in proposed § 129.63a could generate reductions of as much as 12,499 tons of VOC emissions per 12-month rolling period from the potentially affected 576 facilities, depending on the level of compliance already demonstrated by the owners and operators of these facilities. These projected estimated reductions in VOC emissions and the subsequent reduced formation of ozone would help ensure that the owners and operators of regulated facilities, farms and agricultural enterprises, hardwoods and timber industries, and tourism-related businesses, and residents of labor communities and citizens and the environment of this Commonwealth experience the benefits of improved ground-level ozone air quality. Commonwealth residents would also potentially benefit from improved groundwater quality through reduced quantities of VOCs and hazardous air pollutants (HAP) from low-VOC content and low-HAP content industrial cleaning solvent materials. Although proposed § 129.63a is designed primarily to address ozone air quality, the reformulation of high-VOC content cleaning solvent materials to low-VOC content cleaning solvent materials or substitution of low-VOC content cleaning solvent materials to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The reduced levels of high-VOC content and high-HAP content cleaning solvents would benefit groundwater quality through reduced loading on water treatment plants and in reduced quantities of high-VOC content and high-HAP content cleaning solvents leaching into the ground, streams and rivers.

Proposed § 129.63a(e)(1) provides as one compliance option the use of compliant industrial cleaning solvent materials. Industrial cleaning solvent materials that are compliant with the proposed VOC content limit and composite vapor pressure limit are readily available to the owners and operators of all sizes of subject facilities. Proposed § 129.63a(e)(2) would provide flexibility in compliance through the second option of installing and operating a VOC emissions capture system and an add-on air pollution control device with an overall control efficiency

of at least 85% or no less than the equivalent efficiency calculated using the specified equation.

This proposed rulemaking also provides flexibility to the owners and operators potentially affected by proposed § 129.63a by amending § 129.51(a) to extend its applicability to the owner and operator of a coating operation subject to proposed § 129.63a. Section 129.51(a) authorizes the owner or operator to achieve compliance through an alternative method, which would achieve VOC emission reductions equal to or greater than those achieved by compliance with the proposed control measures, by submitting the alternative method to the Department for review and approval in an applicable plan approval or operating permit, or both.

However, because of the wide availability and lower cost (compared to installation and operation of VOC emissions capture systems and add-on air pollution control devices) of compliant VOC content and composite vapor pressure cleaning solvent materials, compliant cleaning solvent materials are generally expected to be used by affected owners and operators to reduce VOC emissions from industrial cleaning solvent activities subject to proposed § 129.63a.

The implementation of the work practices for the use and application of industrial cleaning solvent materials is expected to result in a net cost savings. The recommended work practices for industrial cleaning solvent activities should reduce the amounts of industrial cleaning solvent materials used by reducing the amounts that are lost to evaporation, spillage and waste.

The proposed amendments to §§ 121.1, 129.51, 129.73, 129.96, 129.97, 129.99 and 129.100 are clarifying amendments only. These proposed amendments would not change the pollution prevention impact of these sections.

#### *H. Sunset Review*

The Board is not establishing a sunset date for this proposed rulemaking, since it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for effectiveness and recommend updates to the Board as necessary.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 31, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

#### *J. Public Comments*

Interested persons are invited to submit written comments, suggestions, support or objections regarding the proposed rulemaking to the Board. In particular, comments are requested on specific questions discussed in

Section E, including the need for an exemption in proposed § 129.63a(c) regarding plastic recycling operations and the use of a VOC applicability threshold based on daily emissions rather than emissions per a 12-month rolling period. Comments, suggestions, support or objections must be received by the Board by August 21, 2017.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

#### K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

July 18, 2017	Department of Environmental Protection Southeast Regional Office 4th Floor Hearing Room 2 East Main Street Norristown, PA 19401
July 19, 2017	Department of Environmental Protection Southwest Regional Office Waterfront Conference Rooms A and B 400 Waterfront Drive Pittsburgh, PA 15222
July 20, 2017	Department of Environmental Protection Rachel Carson State Office Building Conference Room 105 400 Market Street Harrisburg, PA 17105

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of a hearing to reserve a time to present testimony. Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,  
Chairperson

**Fiscal Note:** 7-492. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION

### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

### ARTICLE III. AIR RESOURCES

#### CHAPTER 121. GENERAL PROVISIONS

##### § 121.1. Definitions.

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Cleaning solvent*—A liquid material used for hand-wipe, spray gun or flush cleaning. The term includes solutions that contain VOCs.

\* \* \* \* \*

#### CHAPTER 129. STANDARDS FOR SOURCES

##### SOURCES OF VOCs

##### § 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b, 129.52c, 129.52d, 129.52e, 129.54—**129.63**, **129.63a**, **129.64**—129.67, 129.67a, 129.67b, 129.68, 129.69, 129.71—129.73 and 129.77 may be achieved by alternative methods if **all of** the following exist:

(1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.

(2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.

(3) Compliance by a method other than the use of a low VOC coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent, cleanup solvent, cleaning solution, fountain solution or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.52d, 129.52e, **129.63a**, 129.67, 129.67a, 129.67b, 129.73 and 129.77 shall be determined on the basis of equal volumes of solids.

(4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.

(5) Adequate records are maintained to ensure enforceability.

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.52c, § 129.52d, § 129.52e, **§ 129.63a**, § 129.67, § 129.67a, § 129.67b, § 129.68(b)(2) and (c)(2), § 129.73 or § 129.77.

\* \* \* \* \*

(*Editor's Note:* The following section is proposed to be added and printed in regular type to enhance readability.)



**§ 129.63a. Control of VOC emissions from industrial cleaning solvents.**

(a) *Applicability.* This section applies to the owner and the operator of a facility at which an industrial cleaning solvent is used or applied in a cleaning activity at a cleaning unit operation, a work production-related work area or a part, product, tool, machinery, equipment, vessel, floor or wall.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings unless the context clearly indicates otherwise:

*Cleaning activity*—The use or application of an industrial cleaning solvent to remove a contaminant, such as an adhesive, ink, paint, dirt, soil, oil or grease, by wiping, flushing, brushing, soaking, spraying or a similar effort.

*Cleaning unit operation*—

(i) An operation at a facility that is a source of VOC emissions from a cleaning activity.

(ii) The term includes the following:

- (A) Spray gun cleaning.
- (B) Spray booth cleaning.
- (C) Large manufactured components cleaning.
- (D) Parts cleaning.
- (E) Equipment cleaning.
- (F) Line cleaning.
- (G) Floor cleaning.
- (H) Tank cleaning.
- (I) Small manufactured components cleaning.

(iii) The term does not include VOC emissions from the use or application of consumer products subject to Chapter 130, Subchapter B (relating to consumer products), including an institutional product or industrial and institutional product as defined in § 130.202 (relating to definitions) for cleaning offices, bathrooms or other areas that are not part of a cleaning unit operation or work production-related work area.

*Industrial cleaning solvent*—A product formulated with one or more regulated VOCs.

*Regulated VOC*—An organic compound which participates in atmospheric photochemical reactions, that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

(c) *Exceptions and exemptions.*

(1) This section does not apply to all of the following:

(i) An owner or operator of a cleaning unit operation subject to § 129.63 (relating to degreasing operations) or 40 CFR Part 63, Subpart T (relating to National emission standards for halogenated solvent cleaning).

(ii) An owner or operator of a cleaning unit operation associated with a following category:

- (A) Aerospace coatings.
- (B) Architectural coatings.
- (C) Automobile and light-duty truck assembly coatings.
- (D) Fabric coating.
- (E) Fiberglass boat manufacturing materials.
- (F) Flat wood paneling coatings.
- (G) Flexible packaging printing materials.

(H) Graphic arts printing and coating operations.

(I) Large appliance coatings.

(J) Letterpress printing materials.

(K) Lithographic printing materials.

(L) Magnet wire coating operations.

(M) Marine vessel coating.

(N) Metal container, closure and coil coating.

(O) Metal furniture coatings.

(P) Miscellaneous metal parts coatings.

(Q) Miscellaneous industrial adhesives.

(R) Motor vehicle and mobile equipment coating operations.

(S) Paper, film and foil coating.

(T) Plastic parts coatings.

(U) Polyester resin operations.

(V) Semiconductor wafer fabrication operations.

(W) Shipbuilding and repair coatings.

(X) Wood furniture coatings.

(Y) Wood products coating.

(Z) Electrical and electronic components.

(AA) Precision optics.

(BB) Numismatic dies.

(CC) Stripping of cured inks, coatings and adhesives.

(DD) Cleaning of resin, coating, ink or adhesive mixing, molding and application equipment.

(EE) Resin, coating, ink and adhesive manufacturing.

(FF) Performance or quality assurance testing of coatings, inks or adhesives.

(GG) Flexible and rigid disc manufacturing.

(HH) Research and development laboratories.

(II) Medical device manufacturing.

(JJ) Pharmaceutical manufacturing.

(KK) Janitorial cleaning.

(LL) Digital printing.

(2) The VOC emission limitations in subsection (e) do not apply to the use or application of a noncomplying industrial cleaning solvent by the owner or operator of a cleaning unit operation at a facility subject to subsection (a) under either of the following circumstances:

(i) The use or application of the noncomplying industrial cleaning solvent is subject to a standard or specification required by the United States Department of Defense, Federal Aviation Administration or other Federal government entity. An owner or operator claiming this exemption shall maintain records in accordance with subsection (h)(2).

(ii) The use or application of the noncomplying industrial cleaning solvent is associated with the cleaning of screen printing equipment and the industrial cleaning solvent used or applied has an as applied VOC content that does not exceed 4.2 pounds of VOC per gallon (lb VOC/gal) (500 grams of VOC per liter (g VOC/l)) of industrial cleaning solvent. An owner or operator claiming this exemption shall maintain records in accordance with subsection (h)(3).



(3) The VOC emission limitations in subsection (e) and the work practice requirements in subsection (f) do not apply to the owner or operator of a facility subject to subsection (a) if the total combined actual VOC emissions from all subject cleaning unit operations at the facility are less than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. An owner or operator claiming this exemption shall maintain records in accordance with subsection (h)(4).

(d) *Existing RACT permit.* The requirements of this section supersede the requirements of a RACT permit issued to the owner or operator of a cleaning unit operation subject to this section prior to \_\_\_\_\_.  
(*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), under §§ 129.91–129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) to control, reduce or minimize VOCs from cleaning unit operation cleaning activities at the facility, except to the extent the RACT permit contains more stringent requirements.

(e) *Emissions limitations.* Beginning \_\_\_\_\_.  
(*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), the owner or operator of a facility at which the total combined actual VOC emissions from all subject cleaning unit operations at the facility are equal to or greater than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls, may not cause or permit the emission into the outdoor atmosphere of VOCs from an industrial cleaning solvent used or applied in a cleaning unit operation subject to this section at the facility, unless one of the following limitations is met:

(1) *Compliant solvents.* The industrial cleaning solvent meets one of the following VOC limits:

(i) A VOC content less than or equal to 0.42 lb VOC/gal (50 g VOC/l) as applied.

(ii) A VOC composite vapor pressure less than or equal to 8 mm mercury at 68°F (20°C) as applied.

(2) *VOC emissions capture system and add-on air pollution control device.* The weight of VOCs emitted to the atmosphere from cleaning unit operation cleaning activities is reduced through the use of vapor recovery or incineration or another method that is acceptable under § 129.51(a) (relating to general). The overall emission reduction of a control system, as determined by the test methods and procedures specified in Chapter 139 (relating to sampling and testing), may be no less than 85% or may be no less than the equivalent efficiency as calculated by the following equation, whichever is less stringent:

$$O = (1 - E/V) \times 100$$

Where:

O = The overall required control efficiency.

E = 0.42 lb VOC/gal or 50 g VOC/l.

V = The VOC content of the industrial cleaning solvent in lb VOC/gal or g VOC/l.

(f) *Work practice requirements for industrial cleaning solvents, used shop towels and waste materials.* The owner or operator of a facility subject to subsection (e) shall comply with all of the following work practices for industrial cleaning solvents and shop towels used in the cleaning unit operation cleaning activity:

(1) Store all VOC-containing industrial cleaning solvents, used shop towels and related waste materials in closed containers.

(2) Ensure that mixing and storage containers used for VOC-containing industrial cleaning solvents and related waste materials are kept closed at all times except when depositing or removing these materials.

(3) Minimize spills of VOC-containing industrial cleaning solvents and related waste materials and clean up spills immediately.

(4) Convey VOC-containing industrial cleaning solvents and related waste materials from one location to another in closed containers or pipes.

(5) Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

(6) Minimize air circulation around cleaning unit operations.

(g) *Compliance demonstration.* The owner or operator of a cleaning unit operation subject to this section shall demonstrate compliance as follows:

(1) The owner or operator of a facility at which the total combined actual VOC emissions from all subject cleaning unit operations at the facility are equal to or greater than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls, shall do either of the following:

(i) Ensure that industrial cleaning solvents used or applied in the subject cleaning unit operations at the facility meet the applicable emissions limitation in subsection (e)(1) and maintain records in accordance with subsection (h)(1)(i).

(ii) Use a VOC emissions capture system and an add-on air pollution control device that meets the VOC emission reduction requirement under subsection (e)(2), equip the add-on air pollution control device with the applicable monitoring equipment and maintain records in accordance with subsection (h)(1)(ii). All of the following apply:

(A) The monitoring equipment shall be installed, calibrated, operated and maintained according to manufacturer's specifications at all times when the add-on air pollution control device is operating.

(B) The add-on air pollution control device must be operating when the cleaning activity is occurring.

(2) The owner or operator of a cleaning unit operation subject to this section claiming exemption under:

(i) Subsection (c)(2)(i) shall maintain records in accordance with subsection (h)(2).

(ii) Subsection (c)(2)(ii) shall maintain records in accordance with subsection (h)(3).

(iii) Subsection (c)(3) shall maintain records in accordance with subsection (h)(4).

(3) The owner or operator of a cleaning unit operation subject to this section shall determine the VOC content of the industrial cleaning solvent as applied by conducting sampling and testing of the industrial cleaning solvent in accordance with the procedures and test methods specified in subsections (i) and (j) and Chapter 139.

(4) The owner or operator of a cleaning unit operation subject to paragraph (3) may use other test methods or documentation to demonstrate compliance with this section if approved in advance in writing by the Department and the EPA.

(h) *Recordkeeping and reporting requirements.* The owner or operator of a cleaning unit operation subject to

this section shall comply with all of the following applicable recordkeeping and reporting requirements:

(1) The owner or operator of a facility at which the total combined actual VOC emissions from all subject cleaning unit operations at the facility are equal to or greater than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls, shall maintain all of the applicable records:

(i) For an owner or operator that complies with this section by using a complying industrial cleaning solvent under subsection (e)(1), records of all of the following parameters for each cleaning unit operation industrial cleaning solvent:

(A) The name and identification number.

(B) The weight percent of total volatiles, water and exempt solvents, as supplied.

(C) The VOC content or composite vapor pressure, as supplied. The composite vapor pressure as supplied shall be determined in accordance with subsections (i) and (j).

(D) The VOC content or composite vapor pressure, as applied. The composite vapor pressure as applied shall be determined in accordance with subsections (i) and (j).

(E) The volume used or applied on a monthly basis.

(ii) For an owner or operator that complies with this section through the use of a VOC emissions capture system and an add-on air pollution control device under subsection (e)(2), records sufficient to demonstrate all of the following:

(A) Sampling and testing conducted in accordance with Chapter 139 as required under subsection (e)(2).

(B) Calibration, operation and maintenance of the monitoring equipment installed under subsection (g)(1)(ii) in accordance with manufacturer's specifications.

(2) The owner or operator of a cleaning unit operation claiming exemption under subsection (c)(2)(i) shall maintain records of all of the following information for the exempt industrial cleaning solvent:

(i) A copy of the applicable standard or specification.

(ii) The VOC content or composite vapor pressure, as applied. The composite vapor pressure as applied shall be determined in accordance with subsections (i) and (j).

(iii) The volume used or applied monthly.

(3) The owner or operator of a screen printing equipment cleaning unit operation claiming exemption under subsection (c)(2)(ii) shall maintain records of all of the following information for the screen printing equipment industrial cleaning solvent:

(i) The name and identification number.

(ii) The VOC content or composite vapor pressure, as applied. The composite vapor pressure as applied shall be determined in accordance with subsections (i) and (j).

(iii) The volume used or applied monthly.

(4) The owner or operator of a facility claiming exemption under subsection (c)(3) shall maintain monthly records of the industrial cleaning solvents used or applied at the subject cleaning unit operations sufficient to demonstrate that the total combined actual VOC emissions from all subject cleaning unit operations at the facility are less than 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls.

(5) Records shall be maintained onsite for 2 years, unless a longer period is required under Chapter 127

(relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(6) Records shall be submitted to the Department in an acceptable format upon receipt of a written request from the Department.

(i) *Composite vapor pressure.* The composite vapor pressure of organic compounds in cleaning unit operation industrial cleaning solvents shall be determined by one or more of the following procedures:

(1) Quantifying the amount of each compound in the blend using gas chromatographic analysis, using one or more of the following methods:

(i) An appropriate and current ASTM test method with prior written approval from the Department and the EPA.

(ii) Another test method demonstrated to provide results that are acceptable for purposes of determining compliance with this section if prior approval is obtained in writing from the Department and the EPA.

(2) Calculating the composite vapor pressure using the following equation:

$$P_{pc} = \frac{\sum_{i=1}^n (W_i) (VP_i) / Mw_i}{\frac{W_w}{Mw_w} + \sum_{e=1}^k W_e / Mw_e + \sum_{i=1}^n W_i / Mw_i}$$

Where:

$P_{pc}$  = VOC composite partial pressure at 20°C, in mm mercury.

$W_i$  = Weight of the "i"th VOC compound, in grams, as determined by ASTM E260.

$W_w$  = Weight of water, in grams, as determined by ASTM D3792.

$W_e$  = Weight of the "e"th exempt compound, in grams, as determined by ASTM E260.

$Mw_i$  = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature.

$Mw_w$  = Molecular weight of water, 18 grams per g-mole.

$Mw_e$  = Molecular weight of the "e"th exempt compound, in grams per g-mole, as given in chemical reference literature.

$VP_i$  = Vapor pressure of the "i"th VOC compound at 20°C, in mm mercury, as determined by subsection (j).

(3) Providing documentation from the manufacturer of the industrial cleaning solvent that indicates the composite vapor pressure. The documentation may include an MSDS, CPDS or other data certified by the manufacturer.

(j) *Vapor pressure of single component compound.* The vapor pressure of each single component compound in a cleaning unit operation industrial cleaning solvent shall be determined from one or more of the following:

(1) An appropriate and current ASTM test method with prior written approval from the Department and the EPA.

(2) The most recent edition of one or more of the following sources:

(i) *Vapour Pressures of Pure Substances*, Boublik, Elsevier Scientific Publishing Company.

(ii) *Perry's Chemical Engineers' Handbook*, Green and Perry, McGraw-Hill Book Company.

(iii) *CRC Handbook of Chemistry and Physics*, CRC Press.

(iv) *Lange's Handbook of Chemistry*, McGraw-Hill Book Company.

(3) Documentation provided by the manufacturer of the single component compound that indicates the vapor pressure of the single component compound. The documentation may include an MSDS, CPDS or other data certified by the manufacturer.

(k) *ASTM method references*. References to ASTM methods in this section pertain to test methods developed by ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, Pennsylvania 19428-2959, www.astm.org.

#### § 129.73. Aerospace manufacturing and rework.

Except as provided in paragraph (1), this section applies to the manufacture or rework of commercial, civil or military aerospace vehicles or components at any facility which has the potential to emit 25 tons per year of VOCs or more.

\* \* \* \* \*

(3) Beginning April 10, 1999, a person may not apply to aerospace vehicles or components, aerospace specialty coatings, primers, topcoats and chemical milling maskants including VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOCs in excess of the limits specified in Table II.

(i) Aerospace coatings that meet the definitions of the specific coatings in Table II shall meet those allowable coating VOC limits.

(ii) All other aerospace primers, aerospace topcoats and chemical milling maskants are subject to the general coating VOC limits for aerospace primers, aerospace topcoats and aerospace chemical milling maskants.

TABLE II  
Allowable Content of VOCs in Aerospace Coatings  
[ Allowable VOC Content ]

Weight of VOC Per Volume of Coating (Minus Water and Exempt Solvents)

COATING TYPE	<i>LIMIT POUNDS PER GALLON</i>	<i>GRAMS PER LITER</i>
Specialty Coatings		
* * * * *		
(20) Fuel-Tank Coating	6.0	720
[ (a) ] (21) High-Temperature Coating	7.1	850
[ (21) ] (22) Insulation Covering	6.2	740
[ (22) ] (23) Intermediate Release Coating	6.2	750
[ (23) ] (24) Lacquer	6.9	830
[ (24) ] (25) Maskants:		
(a) Bonding Maskant	10.2	1,230
(b) Critical Use and Line Sealer Maskant	8.6	1,020
(c) Seal Coat Maskant	10.2	1,230
[ (25) ] (26) Metallized Epoxy Coating	6.2	740
[ (26) ] (27) Mold Release	6.5	780
[ (27) ] (28) Optical Anti-Reflective Coating	6.2	750
[ (28) ] (29) Part Marking Coating	7.1	850
[ (29) ] (30) Pretreatment Coating	6.5	780
[ (30) ] (31) Rain Erosion-Resistant Coating	7.1	850
[ (31) ] (32) Rocket Motor Nozzle Coating	5.5	660
[ (32) ] (33) Scale Inhibitor	7.3	880
[ (33) ] (34) Screen Print Ink	7.0	840
[ (34) ] (35) Sealants:		
(a) Extrudable/Rollable/Brushable Sealant	2.0	240
(b) Sprayable Sealant	5.0	600
[ (35) ] (36) Self-Priming Topcoat	3.5	420
[ (36) ] (37) Silicone Insulation Material	7.1	850

<i>COATING TYPE</i>	<i>LIMIT POUNDS PER GALLON</i>	<i>GRAMS PER LITER</i>
[ (37) ] (38) Solid Film Lubricant	7.3	880
[ (38) ] (39) Specialized Function Coating	7.4	890
[ (39) ] (40) Temporary Protective Coating	2.7	320
[ (40) ] (41) Thermal Control Coating	6.7	800
[ (41) ] (42) Wet Fastener Installation Coating	5.6	675
[ (42) ] (43) Wing Coating	7.1	850
* * *		

#### **ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NO<sub>x</sub> AND VOCs**

##### **§ 129.96. Applicability.**

(a) The NO<sub>x</sub> requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a major VOC emitting facility that were in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in §§ 129.51—[ 129.52c ] 129.52e, 129.54—129.69, 129.71—[ 129.73, ] 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(b) The NO<sub>x</sub> requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a NO<sub>x</sub> emitting facility and the VOC requirements of this section and §§ 129.97—129.100 apply Statewide to the owner and operator of a VOC emitting facility when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—[ 129.52c ] 129.52e, 129.54—129.69, 129.71—[ 129.73, ] 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

\* \* \*

##### **§ 129.97. Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.**

\* \* \*

(k) The owner or operator of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility **or major VOC emitting facility**, whichever is later, for a source subject to § 129.96(b).

\* \* \*

##### **§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule.**

\* \* \*

(i) The owner and operator of a facility proposing to comply with the applicable RACT requirement or RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition requesting an alternative compliance schedule shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) October 24, 2016, for a source subject to § 129.96(a).

(ii) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility **or major VOC emitting facility**, whichever is later, for a source subject to § 129.96(b).

\* \* \*

##### **§ 129.100. Compliance demonstration and record-keeping requirements.**

(a) Except as provided in subsection (c), the owner and operator of an air contamination source subject to a NO<sub>x</sub> RACT requirement or RACT emission limitation or VOC RACT requirement or RACT emission limitation, or both, listed in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

\* \* \*

[Pa.B. Doc. No. 17-993. Filed for public inspection June 16, 2017, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Department of Conservation and Natural Resources**

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective June 2, 2017.

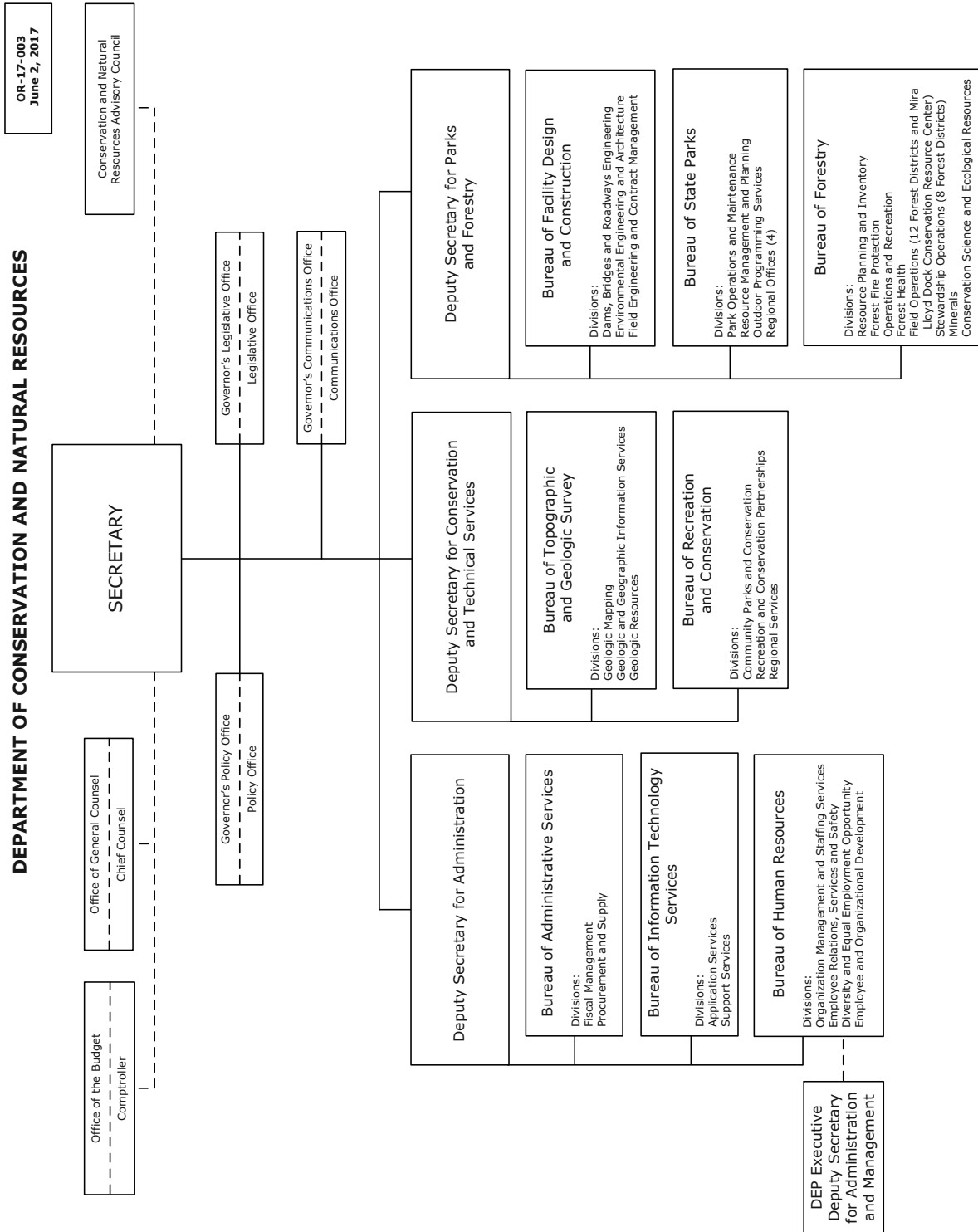
The organization chart at 47 Pa.B. 3373 (June 17, 2017) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 17-994. Filed for public inspection June 16, 2017, 9:00 a.m.]

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## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 6, 2017.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-2-2017	Troy T. Taylor Miami Beach Miami-Dade County  Application for approval to acquire more than 5% of the common stock of Hyperion Bank, Philadelphia.	Filed
6-2-2017	Steven B. Atlass and the Atlass Family Trust Haverford Montgomery County  Application for approval to acquire more than 5% of the common stock of Hyperion Bank, Philadelphia.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-31-2017	Ambler Savings Bank Ambler Montgomery County  Application for approval to merge Bally Savings Bank, Bally, with and into Ambler Savings Bank, Ambler.	Effective

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-30-2017	Jonestown Bank & Trust Company Jonestown Lebanon County	1211 Lancaster Road Manheim Lancaster County (Formerly Route 72 and Anthony Drive)	Opened
6-5-2017	Univest Bank and Trust Co. Souderton Montgomery County	4240 Oregon Pike Ephrata Lancaster County	Opened

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-19-2017	CNB Bank Clearfield Clearfield County	7789 County Road 77 Mount Hope Homes County, OH	Closed
5-31-2017	Univest Bank and Trust Co. Souderton Montgomery County	6542D Lower York Road New Hope Bucks County	Closed



**CREDIT UNIONS**  
**Community Charter Conversions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-1-2017	NBA Credit Union Bristol Bucks County  Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title to Access Credit Union. Amendment to Article VIII which changes the Credit Union's Field of Membership.	Effective

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-995. Filed for public inspection June 16, 2017, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential  
Mortgages for the Month of July 2017**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2017, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.65 to which was added 2.50 percentage points for a total of 5.15 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-996. Filed for public inspection June 16, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **I. NPDES Renewal Applications**

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032085 (Sewage)	Prince Gallitzin State Park WWTP 966 Marina Road Patton, PA 16668-6317	Cambria County White Township	Beaverdam Run (8-C)	No
PA0021628 (Sewage)	Salisbury Borough STP PO Box 343 Salisbury, PA 15558	Somerset County Salisbury Borough	Casselman River (19-F)	Yes
PA0218154 (Sewage)	Monicas Lockhouse 6 Landing LLC STP 5374 William Flynn Highway Gibsonia, PA 15044-9650	Beaver County Industry Borough	Ohio River (20-B)	Yes
PA0091201 (Sewage)	Indiana Medical Condominiums STP 1177 S 6th Street Indiana, PA 15701-3759	Indiana County White Township	Unnamed Tributary to Two Lick Creek (18-D)	Yes
PA0097390 (Sewage)	Vekaplast Plant 485 Hartzell Sch Road Fombell, PA 16123-1303	Beaver County Marion Township	Connoquenessing Creek (20-C)	Yes
PA0218774 (Sewage)	Outdoor Odyssey STP 450 Boy Scout Road Boswell, PA 15531	Somerset County Jenner Township	South Fork Bens Creek (18-E)	Yes
PA0218855 (Sewage)	Enlow Fork Mine 3 North # 2 Portal Bathhouse Facility 1000 Consol Energy Drive Canonsburg, PA 15317	Washington County East Finley Township	Rocky Run (20-E)	Yes
PA0096130 (Sewage)	Nemacolin Inc. STP PO Box 484 Nemacolin, PA 15351-0484	Greene County Cumberland Township	Monongahela River (19-B)	Yes
PA0094269 (Sewage)	Sheridan SR STP 151 Adams Road Gallitzin, PA 16641	Cambria County Gallitzin Township	Clearfield Creek (8-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0110302 (Sewage)	Quemahoning Industrial Park STP 111 Hoganas Way Hollsopple, PA 15935-6416	Somerset County Quemahoning Township	Quemahoning Creek (18-E)	No
PA0219461 (Sewage)	Center-West STP 101 Low Hill Road Brownsville, PA 15417-8636	Washington County Centerville Borough	Monongahela River (19-C)	Yes

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0010961 (Industrial)	SPS Technologies—Jenkintown Plant 301 Highland Avenue Jenkintown, PA 19046-2630	Montgomery County Abington Township	Tacony Creek and Unnamed Tributary to Tacony Creek (3-J)	Yes

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS802203 (Storm Water)	Mack Trucks Macungie Division 7000 Alburtis Road Macungie, PA 18062-9632	Lehigh County Lower Macungie Township	Swabia Creek (2-C)	Yes
PA0064114 (Sewage)	Jim Thorpe Area School District K-8 WWTP 410 Center Avenue Jim Thorpe, PA 18229	Carbon County Kidder Township	Dilldown Creek (02A)	Yes
PA0060054 (Sewage)	Mt Airy Casino & Resort 312 Woodland Road Mount Pocono, PA 18344-9703	Monroe County Paradise Township	Forest Hills Run (1-E)	Yes

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0086215— SEW	Peifer Brothers (Shalako Run MHP) Keystone Kommunities PO Box 247 Silver Spring, PA 17575	York County/ Lower Windsor Township	UNT Cabin Creek/7I	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228311 (Sewage)	Brady Township NW WWTP 1986 Elimsport Road Montgomery, PA 17752-8919	Lycoming County Brady Township	Unnamed Tributary to Black Hole Creek (10-C)	Yes
PA0113123 (Sewage)	Patrick J Witkowski PO Box 322 Laporte, PA 18626	Sullivan County Laporte Township	Unnamed Tributary to Mill Creek (10-B)	Yes

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**PA0003255**, Storm Water, SIC Code 3312, **Latrobe Specialty Metals**, 2626 Ligonier Street, Latrobe, PA 15650. Facility Name: Carpenter Latrobe Specialty Metals. This existing facility is located in Latrobe Borough, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Stormwater.



The receiving stream, Loyalhanna Creek is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Precipitation (in.)	Report	Report	XXX	XXX	XXX	XXX
Total Aluminum (lbs.) (Total Facility Load)	Report	6,530	XXX	XXX	XXX	XXX
Total Iron (lbs.) (Total Facility Load)	Report	15,714	XXX	XXX	XXX	XXX
Total Manganese, (Total Facility Load)	Report	8,709	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Fluoride, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Fluoride, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Loading (lbs.)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (gal)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Kiskiminetas-Conemaugh TMDL annual reporting requirements.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970.*

**PA0051268**, Sewage, SIC Code 8412, **DCNR—Bureau Of State Parks**, 1112 River Road, Washington Crossing, PA 18977. Facility Name: Washington Crossing Historic Park Lower WWTP. This existing facility is located in Upper Makefield Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Delaware River, is located in State Water Plan watershed 2-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	2.0	XXX	XXX	25.0	XXX	50
Total Suspended Solids	2.25	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	2.0	XXX	XXX	20.0	XXX	40
Total Phosphorus	0.30	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX

In addition, the permit contains the following major special conditions:

- TRC Minimization
- Designation of Responsible Operator
- Remedial Measures

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.*

**PA0113093**, Sewage, SIC Code 4952, **Christ Wesleyan Church**, 363 Stamm Road, Milton, PA 17847-7569. Facility Name: Christ Wesleyan Church Sewer System. This existing facility is located in Turbot Township, **Northumberland County**.

Description of Existing Activity: The application is for a renewal and expansion of an NPDES permit for an expanding discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Limestone Run, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.006 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	XXX	152	XXX	XXX	XXX	XXX
		Total Annual				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Effluent Net	XXX	24	XXX	XXX	XXX	XXX
		Total Annual				

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Compliance schedule to meet TRC

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3636.

The EPA Waiver is in effect.

**PA0233846 A-1**, Concentrated Animal Feeding Operation (CAFO), **Drew Remley**, 1170 Salt Spring Road, Roaring Branch, PA 17765-8824.

Drew Remley has submitted an application for an Individual NPDES permit for an amendment of a CAFO known as Remley Farms Swine Facility, located in Liberty Township, **Tioga County**.

The CAFO is situated near Unnamed Tributary to Salt Spring Run in Watershed 10-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,583.56 animal equivalent units (AEUs) consisting of 8,720 finishing swine, 9,600 nursery swine, 25 beef cows, 8 steer, and 25 calves. Manure is stored in underbarn manure storages. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate

PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0264784**, Sewage, SIC Code 4952, **Mercer Township Butler County**, PO Box 380, Harrisville, PA 16038. Facility Name: Mercer Township Forestville STP. This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream, an Unnamed Tributary to the McDonald Run, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.022 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.07	XXX	0.23
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	4.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	5.5	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1.7	XXX	XXX	9.3	XXX	18.6
May 1 - Oct 31	0.5	XXX	XXX	3.1	XXX	6.2
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0264971**, Sewage, SIC Code 4952, 8800, **Michael Kerr**, 9291 Palmer Road, North East, PA 16428. Facility Name: Michael Kerr SRSTP. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Eightmile Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 1117405**, Sewage, **Hastings Area Sewer Authority**, 207-1 Fifth Avenue, Hastings, PA 16646.

This proposed facility is located in Hastings Borough & Elder Township, **Cambria County**.

Description of Proposed Action/Activity: The applicant proposes to replace their existing sewer collection system, which consists of approximately 56,000 linear feet of sanitary sewers.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 4617402**, Sewage, **Borough of Boyertown**, Boyertown Borough Hall, 100 South Washington Street, Boyertown, PA 19512.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Replacement of gas chlorine to liquid chlorine.

**WQM Permit No. 4617403**, Sewage, **Washington Street Associates, L.P.**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406.

This proposed facility is located in Conshohocken Borough, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension for apartment building.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0690409, Amendment**, Sewerage, **Pilot Travel Centers, LLC**, 5508 Lonas Drive, Knoxville, TN 37909.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of the existing, deteriorating EQ tank at Pilot Travel Center 518.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 1617201**, Industrial, **West Freedom Water Association Inc.**, 2891 Route 368, Parker, PA 16049.

This proposed facility is located in Perry Township, **Clarion County**.

Description of Proposed Action/Activity: Backwash disposal system at water treatment plant.

**WQM Permit No. 1017402**, Sewage, **Mercer Township Butler County**, PO Box 380, Harrisville, PA 16038.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Sewage treatment facility and collection system to serve Village of Forestville.

**WQM Permit No. 1017403**, Sewage, **Mercer Township Butler County**, PO Box 380, Harrisville, PA 16038.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Permit for sewer extension to connect service area in west Mercer Township to collection system in Harrisville to ultimately be treated at the Grove City Borough Sewage Treatment Plant.

**WQM Permit No. 1017404**, Sewage, **Mercer Township Butler County**, PO Box 380, Harrisville, PA 16038.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Permit for sewer extension to connect service area in east Mercer Township to collection system in Harrisville to ultimately be treated at the Grove City Borough Sewage Treatment Plant.



**WQM Permit No. 4317405**, Sewage, **Randy A Snider**, 839 Mercer Road, Greenville, PA 16125.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 6217407**, Sewage, **Ra Mo LLC**, 1261 Scandia Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

# **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510013	Cristo Rey Philadelphia High School 5218 North Broad Street Philadelphia, PA 19141	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF
PAD150020	Westbrooke IP, LLC 540 White School Road Honey Brook, PA 19344	Chester	Honey Brook Township	Unnamed Tributary to West Branch of Brandywine Creek HQ-TSF-MF
PAD150029	Edward W. and Lisa A. Donnon 783 North Reeds Road Downingtown, PA 19335	Chester	West Bradford Township	Unnamed Tributary to Broad Run EV-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Carbon County Conservation District, 5664 Interchange Road, Lehigh, PA 18235-5114.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130005	Beltzville Enterprises, LLC 7355 Interchange Road Lehigh, PA 18235	Carbon	Penn Forest Township	Mud Run (HQ-CWF, MF)

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400005	PPL Electric Utilities Corp. c/o Colleen Kester Two North 9th Street Allentown, PA 18101	Luzerne and Carbon	Hazle Township City of Hazleton Banks Township	Dreck Creek (HQ-CWF, MF) Hazle Creek (HQ-CWF, MF) Cranberry Creek (CWF, MF) Catawissa Creek (CWF, MF) Beaver Creek (CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450023	Pleasant Valley Assembly of God P.O. Box 797 Brodheads, PA 18321	Monroe	Chestnuthill Township	Weir Creek (CWF, MF) Pohopoco Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140019	State College Area School District 240 Villa Crest Drive State College, PA 16801	Centre	College Twp	Spring Creek HQ-CWF, MF

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### APPLICATIONS NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Randy and Jimmy Reppert 148 Bachmoll Road Hamburg, PA 19526	Berks	70.1	87.39	Ducks	NA	New
Mike Long 39 Reeds Creek Road Annville, PA 17003	Lebanon	415.8	629.96	Swine & Poultry	NA	Renewal
Leonard Hoover 6188A Old Route 22 Bernville, PA 19506	Berks	146.6	352.59	Poultry, Heifers	NA	Renewal
James Schwalm 351 Bastian Rd Halifax, PA 17032	Dauphin	116.4	839	Swine, Beef	NA	Renewal

#### CAFO NMP PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Creek Bottom Farms Michael Snook 1510 White Church Road Middleburg, PA 17842	Snyder	320	591	Finishing Hogs Dairy Heifers	N/A	Renewal

### PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be

considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act Southeast Region: Safe Drinking Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

**Permit No. 1156608, Major Amendment.** Public Water Supply.

Applicant	<b>Richard L. Senn Trucking</b> 65 Senn Road Chester Springs, PA 19425
Township	Upper Uwchlan
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Brennan T. Kelly, P.E. Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	April 26, 2017

**Permit No.0917514, Major Amendment.** Public Water Supply.

Applicant	<b>Oldcastle Precast</b> 200 Keystone Drive Telford, PA 18969
Township	Hilltown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Jeremy S. Madaras, P.E. J.S. Madaras Consulting, LLC 250 Indian Lane Boyertown, PA 19512
Permit to Construct Issued	May 19, 2017

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0217530, Public Water Supply.**

Applicant	<b>Hampton Shaler Water Authority</b> PO Box 66 3101 McCully Road Allison Park, PA 15101
[Township or Borough]	Shaler Township

Responsible Official	Samuel Scarfone, Executive Director Hampton Shaler Water Authority PO Box 66 3101 McCully Road Allison Park, PA 15101
Type of Facility	Water system
Consulting Engineer	Hampton Shaler Water Authority PO Box 66 3101 McCully Road Allison Park, PA 15101
Application Received Date	June 1, 2017
Description of Action	Installation of the East Elfinwild chlorine table feeder at an existing vault.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 4317501, Public Water Supply.**

Applicant	<b>Borough of Stoneboro</b>
Township or Borough	Stoneboro Borough
County	<b>Mercer</b>
Responsible Official	Glenn Moeller
Type of Facility	Water Treatment Plant
Consulting Engineer	Chad Hanley HRG, Inc. 200 West Kensinger Dr, Ste 400 Cranberry Twp., PA 16066
Application Received Date	May 30, 2017
Description of Action	Major improvements to water system

### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 0317503WMP, Minor Amendment.**

Applicant	<b>Eastern Armstrong County Municipal Authority</b> PO Box 262 Elderton, PA 15736
[Township or Borough]	Elderton
Responsible Official	Bill Ferrier, Water Department Superintendent Eastern Armstrong County Municipal Authority PO Box 262 Elderton, PA 15736
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Application Received Date	June 5, 2017

Description of Action	Bulk load-out hydrant along North Lytle Street.
<b>Permit No. 3017505MA, Minor Amendment.</b>	
Applicant	<b>Southwestern Pennsylvania Water Authority</b> 1442 Jefferson Road Jefferson, PA 15344
[Township or Borough]	Franklin, Morris and Washington Townships
Responsible Official	Timothy C. Faddis, Manager Southwestern Pennsylvania Water Authority 1442 Jefferson Road Jefferson, PA 15344
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Application Received Date	June 5, 2017
Description of Action	Installation of approximately 44,100 feet of 12-inch diameter waterline along SR 0018 (Browns Creek Road) and 366 feet of 8-inch diameter waterline along SR 4021 (Deerlick Station Road).

#### WATER ALLOCATIONS

##### Applications received under the act of June 24, 1939 (P.L. 842, No.365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**WA45-1000A**, Water Allocation, **Brodhead Creek Regional Authority (BCRA)**, 410 Mill Creek Road, East Stroudsburg, PA 18301, **Monroe County**. The applicant is requesting a modification to its subsidiary Water Allocation Permit No. WA45-1000, which grants the right to purchase up to 250,000 gallons per day, based on a daily average in a peak month from the Borough of East Stroudsburg. The permit modification would increase the allocation to grant the right to purchase up to 400,000 gpd from the Borough of East Stroudsburg.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 1

##### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Donaldson Residence**, 1897 Meadows Road, Lower Saucon Township, **Northampton County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of Laurena, LLC, 4440 Pond View Court, Bethlehem, PA 18020, submitted a Notice of Intent to Remediate. Soil contamination was identified during underground storage tank removal activities that had stored fuel oil # 2. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Press Group Newspaper* on March 22, 2017.

**325 Realty Property**, Rear 258 Race Street aka 325 Union Street, Catasauqua Borough, **Lehigh County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of 325 Realty, LLC, 700 Savage Road, Suite 7, Northampton, PA 18067, submitted



a Notice of Intent to Remediate. Rain water filled a previously unknown heating oil UST and a discharge of a petroleum product occurred impacting soils and groundwater at this site. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Press Groups Newspapers* on May 10, 2017.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass.*

**318 Boro Road**, 318 Boor Road, Upper Darby Township, **Delaware County**. Michael Napolitano, PG, Taylor Eservices, 38 Bishop Hollow Road, Suite 200, Newtown, PA 19073 on behalf of Mr. & Mrs. Barnett and Eileen Daly, 2512 Selwyn Drive, Broomall, PA 19008 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The intended future use is likely to remain non-residential as a commercial space. A Notice of Intent to Remediate was published in the *Delco Times* on April 20, 2017. PF818620.

**Entenmanns Bakery**, 690 East Lincoln Highway, West Whiteland Township, **Chester County**. Michael S. Welsh, P.E., Welsh Associates, Inc., 131 Clearview Drive, Downingtown, PA 19355 on behalf of Eli Kahn, 690 East Lincoln Associates, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum hydrocarbons. The intended future use commercial with potential residential use. A Notice of Intent to Remediate was published in the *Daily Local News* on May 5, 2017. PF.

**1711 West Allegheny Avenue**, 1711 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Darryl D. Borelli, Manco, Gold, Kutcher & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of John R. McConnell, Crito Rey Philadelphia School, 5218 North Broad Street, Philadelphia, PA 19141 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum, chlorinated hydrocarbons, metals and phase. The proposed future use of the property will be residential for a school. A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on May 15, 2017. PF818630.

**Phoenix French Creek Manor**, North Main Street, Phoenixville Borough, **Chester County**. Jim Mulan, Homage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Eric Moore, Phoenix French Creek Manor, LLC, 2 Ponds Edge Drive, P.O. Box 500, Chads Fords, PA 19317 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of semi-vocs and vocs. The proposed future use of property will be both residential and non-residential. A Notice of Intent to Remediate was published in the *Mercury* on March 31, 2017. PF804650.

**Thorndale West Chester Frankford Cleaners**, 3233 East Lincoln Highway, Caln Township, **Chester County**. Terence A. O'Reilly, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Joshua Introvatolo, Thorndale West LP, 1055 Westlakes Drive, Suite 170, Berwyn, PA 19312 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pec, tec and cis-1,2-DCE and trans-1,2-DCE. The proposed future use of the property will continue to

be non-residential. A Notice of Intent to Remediate was published in the *Daily Local News* on May 2, 2017. PF818626.

**GSK Upper Merion Facility**, 709 Swedeland Road, upper Merion Township, **Montgomery County**. Lisa Strobridge, Arcadis, 10 Friends Lane, Suite 200, Newtown, PA 18940, John Loeper, GSK Complementary Worker, Arcadis on behalf of GSK WREF Services, 709 Swedeland Road, UW-2331, King of Prussia, PA 19406 on behalf of Lindsey Walata, GSK, 5 More Drive, P.O. Box 13398, Research Triangle Park, NC 27709-3398 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 6 fuel oil. The proposed future use of the property could be either be residential or non-residential. A Notice of Intent of Remediate was published in the *Times Herald* on May 8, 2017. PF630139.

**Hurford Residence**, 201 Pineville Road, Wrightstown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 old Plains Road, Pennsburg, PA 18073 on behalf of Bod Hurford, 201 Pineville Road, Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property is residential. A Notice of Intent of Remediate was published in the *Bucks County Courier Times* on March 31, 2017. PF805032.

**Gillespie Residence**, 646 North Pleasant View Road, Lower Pottsgrove Township, **Montgomery County**. Grant Mershon, HETI, 54 Nonset Path, Acton, MA 01720, John F. Palmer, Automotive Services, Inc., 901 Mountain Home Road, Sinking Spring, PA 19608 on behalf of William & Karen Gillespie, 646 North Pleasant View Road, Pottstown, PA 19465 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property will be for residential use (same as existing use). A Notice of Intent to Remediate was published in the *Pottstown Mercury* on April 23, 2017. PF818619.

**Cedarbrook Middle School**, 300 Longfellow Road, Cheltenham Township, **Montgomery County**. Sean M. Damon, Langan Engineering & Environmental Services, Inc., P.O. Box 1569, Doylestown, PA 18901 on behalf of Dr. Reza Bavi, School District of Cedarbrook Township, 2000 Ashbourne Road, Elkins, PA 19027 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of pah compounds. The proposed future use of the property will continue to operate as a school. A Notice of Intent to Remediate was published in the *Times Chronicle* on April 16, 2017. PF818614.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335.*

**General Permit Application No. WMGR028, Program I.D. WMGR028NWD01, Dunbar Asphalt LLC, P.O. Box 233, West Middlesex, PA 16159; Site Location—**

11203 Ellion Road, Conneaut Lake, PA 16316. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 17, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D009A, HRI, Inc.,** 1750 West College Ave, State College, PA 16801; Site Location—Brookville (Plant 109), 643 Route 1830, Brookville, PA 15825. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on May 19, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D013A, Cross Paving LLC.,** 8955 Wattsburg Road, Erie, PA 16509; Site Location—11620 Lake Pleasant Road, Union City, PA 16438. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering,

other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 17, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D002C, Glenn O Hawbaker Inc.,** 711 East College Ave, Bellefonte, PA 16823; Site Location—Turtlepoint (Plant # 7), SR 1002 Champlin Hill Road, Turtlepoint, PA 16750. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 17, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028NWD02A, Glenn O Hawbaker Inc.,** 711 East College Ave, Bellefonte, PA 16823; Site Location—Barkeyville (Plant # 19), 157 Hawbaker Industrial Blvd, Grove City, PA 16127. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 17, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public



comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D015A, IA Construction Corp.,** P.O. Box 568, Franklin, PA 16323; Site Location—Franklin Plant, 24 Gibb Road, Franklin, PA 16323. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 28, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D015A, IA Construction Corp.,** P.O. Box 568, Franklin, PA 16323; Site Location—Lafayette (McKean) Plant, 7024 Highway 59, Lewis Run, PA 16738. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 28, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D015A, IA Construction Corp.,** P.O. Box 568, Franklin, PA 16323; Site Location—Clarion Plant, 19000 Paint Blvd (Route 66), Shippensburg, PA 16254. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a

soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 28, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028D015A, IA Construction Corp.,** P.O. Box 568, Franklin, PA 16323; Site Location—Warren Plant, 81 Railcar Road, Warren, PA 16365. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on February 28, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGR028, Program I.D. WMGR028NW04, Joseph McCormick Construction Co., Inc.,** P.O. Box 176, Erie, PA 16510; Site Location—1507 Wesley Avenue, Wesleyville, PA 16510. A renewal application for the General Permit Determination of Applicability (DOA) under WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C.4. of this general permit, when applicable, and conforms with the applicable engineering, other professional, or industry practices and procedures as the raw material it is being substituted for. The renewal application was received in the Regional Office and deemed administratively complete on March 23, 2017.

Persons interested in reviewing the general permit may contact: Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure

that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**54-00022C: Sapa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 17929) for installing a Low-NO<sub>x</sub> burner on existing # 7 melting furnace at the site located in Cressona Borough, **Schuylkill County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-131S: SGL Carbon** (900 Theresia Street, St. Marys, PA 15857), application received for the installation of a replacement scrubber control device at their facility located in the City of Saint Marys, **Elk County**. This is an existing non-Title V facility currently permitted under SOOP 24-00131. The scrubber will reduce emissions from Source 7103 (CVD Reactor 6 & 7) and replace Scrubber C7103 (CVD Reactor 6 & 7 Fume & PM Scrubber). No other changes are proposed. Emission rate limits will not be changed.

**25-069Q: BASF Corporation** (1729 East Avenue, Erie, PA 16503), application received for the installation of two 14 MMBtu/hr boilers to replace two 8.369 MMBtu/hr boilers and one 10.46 MMBtu/hr boiler (27.2 MMBtu/hr total replaced) at their facility located in the City of Erie, **Erie County**. This is an existing non-Title V facility currently permitted under SOOP 25-00069.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to Hercules Cement Company dba Bucci Unicem



to modification to their existing two kilns to burn alternative fuels at their facility located in Stockertown Borough, Northampton County. The facility currently has a Title V Operating Permit No. 48-00005. Plan approval 48-00005B will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 48-00005B seeks to add additional alternative fuels, switchgrass and an engineered fuel called Green Fuel, to the approved fuels and seeks to replace the individual kiln limits with a single facility limit of 5.2 TPH for all alternative fuels. Since alternative fuels are already approved for these kilns, as well as an alternative fuel delivery system, there are no physical modifications required at the facility to accommodate these additional alternative fuels. The Department's review of the information submitted by Hercules Cement indicates that the proposed modifications will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.13 for particulate emissions. The company shall comply with 123.41 for visible emissions. The company is subject to 40 CFR Part 63 Subpart LLL requirements. All alternative fuels will have a combined limit of 5.2 TPH. CEMS will continue to be used to measure NO<sub>x</sub> and SO<sub>2</sub> emissions. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 48-00005B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mr. Raymond Kempa, Chief, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, or 570-826-2511.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**21-05026D: Carlisle SynTec Inc.** (1275 Ritner Highway, Carlisle, PA 17015) for the construction of a Thermoplastic Olefin (TPO) compounding line and powder blending process at the facility located in the Borough of Carlisle, **Cumberland County**. The existing facility is a

Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The source has the estimated air emissions of 15 tpy of PM. The plan approval will include visible emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-05158C: Perdue AgriBusiness, LLC** (PO Box 1537, Salisbury, MD 21802-1537) for the authorization to transfer and use the VOC emission reduction credits (ERCs) described below in order to comply with the offset requirements of Plan Approval No. 36-05158A, Section C, Condition # 021 at the proposed soybean processing facility in Conoy Township, **Lancaster County**. In accordance with 25 Pa. Code Chapter 127, Subchapter E, the Department proposes to authorize the transfer and use of the following ERCs:

(a) 175.7 tons per year (tpy) of VOC ERCs for offset purposes from Bush Industries, Inc. at 312 Fair Oak Street, Little Valley, NY 14755 in Cattaraugus County, NY. The 175.7 tpy of VOC ERCs were generated by the source reduction related to wood furniture surface coating sources at Bush Industries, Inc. in May 1992.

(b) 85.7 tons per year (tpy) of VOC ERCs for offset purposes from Quad Graphics Inc. (a.k.a. QG Printing Corp.) at 2475 George Urban Boulevard, Depew, NY 14043-2098, in Erie County, NY. The 85.7 tpy of VOC ERCs were generated by the shutdown of rotogravure printing presses in 2006 through 2010.

(c) 9.11 tons per year (tpy) of VOC ERCs for offset purposes from CNH Industrial America LLC (f.k.a. CNH America LLC) at 36 Maple Street, Belleville, PA 17004 in Mifflin County, PA. The 9.11 tpy of VOC ERCs were generated by the permanent shutdown of three (3) paint booths in 2007.

(d) 6.6 tons per year (tpy) of VOC ERCs for offset purposes from Lindy Paving Inc. at 200 Neville Road, Neville, PA 15225 in Allegheny County, PA. The 6.6 tpy of VOC ERCs were generated by the shutdown of its asphalt facility in October 2007.

There are no increases in facility emissions as a result of the proposed activity. The proposed facility qualifies as a Title V facility. Based on the above findings, the Department proposes to issue a plan approval for the proposed transfer and use of ERCs.

## PLAN APPROVAL

### PUBLIC HEARINGS

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05158C: Perdue AgriBusiness, LLC** (PO Box 1537, Salisbury, MD 21802-1537) to receive comments for the authorization to transfer and use the VOC emission reduction credits (ERCs) described below in order to comply with the offset requirements of Plan Approval No. 36-05158A, Section C, Condition # 021 at the proposed soybean processing facility in Conoy Township, **Lancaster County**. In accordance with 25 Pa. Code Chapter

127, Subchapter E, the Department proposes to authorize the transfer and use of the following ERCs:

(a) 175.7 tons per year (tpy) of VOC ERCs for offset purposes from Bush Industries, Inc. at 312 Fair Oak Street, Little Valley, NY 14755 in Cattaraugus County, NY. The 175.7 tpy of VOC ERCs were generated by the source reduction related to wood furniture surface coating sources at Bush Industries, Inc. in May 1992.

(b) 85.7 tons per year (tpy) of VOC ERCs for offset purposes from Quad Graphics Inc. (a.k.a. QG Printing Corp.) at 2475 George Urban Boulevard, Depew, NY 14043-2098, in Erie County, NY. The 85.7 tpy of VOC ERCs were generated by the shutdown of rotogravure printing presses in 2006 through 2010.

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(d) 6.6 tons per year (tpy) of VOC ERCs for offset purposes from Lindy Paving Inc. at 200 Neville Road, Neville, PA 15225 in Allegheny County, PA. The 6.6 tpy of VOC ERCs were generated by the shutdown of its asphalt facility in October 2007.

There are no increases in facility emissions as a result of the proposed activity. The proposed facility qualifies as a Title V facility. Based on the above findings, the Department proposes to issue a plan approval for the proposed transfer and use of ERCs.

Copies of the plan approval application and other relevant information are available for public review at DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the documents may be scheduled by calling 717-705-4732 between 8:00 A.M. and 3:30 P.M., Monday through Friday, except holidays.

The public hearing will be held on July 20, 2017 from 6:30 to 8:30 PM at the Bainbridge Fire Hall, located at 34 South 2nd Street, Bainbridge, PA 17502. Those wishing to comment orally are requested to contact Brenda Esterline at 717-705-4704 to reserve a time to present any testimony. Testimony must be pre-scheduled by no later than July 13, 2017. Commenters are requested to provide two (2) written copies of their remarks at the time of the hearing. Oral testimony will be limited to ten (10) minutes per person. Organizations are requested to designate a representative to present testimony on their behalf. Written comments may be submitted to the Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, no later than July 30, 2017.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Brenda at the number provided above or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**TVOP 46-00221: Upper Moreland—Hatboro Joint Sewer Authority**, (2875 Terwood Road, Willow Grove, PA 19090) located in Upper Moreland Township, **Montgomery County**. The facility operates a sewage sludge incinerator and is subject to 40 CFR Part 62 Subpart LLL. The facility is required to obtain a Title V operating permit per 40 CFR 60.5240. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**05-05014: WSI Sandy Run Landfill, LLC** (995 Landfill Road, Hopewell, PA 16650-8653), to issue a Title V Operating Permit renewal for the landfill in Broad Top Township, **Bedford County**. The actual 2015 emissions from the facility were 2.5 tons of VOC, 5.36 tons of NO<sub>x</sub>, 18.38 tons of CO, 1.23 ton of SO<sub>x</sub>, and 5.59 tons of PM<sub>10</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, and Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**38-03029: Elk Corporation of Texas** (401 Weavertown Road, PO Box 228, Myerstown, PA 17067) to issue a State Only Operating Permit for the asphalt roofing shingles manufacturing plant located in Jackson Township, **Lebanon County**. The potential emissions from the facility are estimated at 9.8 tpy of CO, 5.8 tpy of NO<sub>x</sub>, 31.9 tpy of PM<sub>10</sub>, 0.1 tpy of SO<sub>2</sub> and 1.7 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart UU, 40 CFR 63 Subpart AAAAAA and 40 CFR 63 Subpart ZZZZ.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**14-00026: Novolex-Hilex Poly Co., LLC** (PO Box 258, Milesburg, PA 16853) to issue a renewal State Only Operating Permit for their facility located in Boggs Township, **Centre County**. The facility's main sources



include 44 pillar corona treaters, 16 propane fired space heaters, 17 flexographic printing presses, and a parts washer.

The facility has potential to emit under 0.19 ton per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 2.52 tpy of nitrogen oxides, 2.12 tpy of carbon monoxide, 2.7 tpy of volatile organic compounds, 1.00 tpy of hazardous air pollutants and 0.002 tpy of sulfur oxides. The facility also has the potential to emit 34.20 tons of ozone in any 12 consecutive month period. The potential emissions at the facility reduced slightly due to removal of few air emissions sources since last issuance of the permit.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145 as well as 40 CFR Part 60.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00335: Penn United Technologies Inc., Carbide Division** (196 Alwine Road, Saxonburg, PA 16056), the Department intends to issue the renewal of the Synthetic Minor Permit of a facility, located in Jefferson Township, **Butler County**, that manufactures cemented tungsten carbide-based and silicon carbide-based materials. To be Synthetic Minor, the facility has an elective restriction to maintain its VOC emissions below 46 TPY, which is achieved through collection and recovery of heptane emitted from the tungsten carbide process and through continuing VOC reduction efforts. In this renewal, two emergency generators are incorporated into the operating permit with one subject to 40 CFR 63 Subpart ZZZZ, which pertains to National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the other to CFR 60 Subpart JJJJ, which pertains to New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines.

**25-00326: FXI Holdings, Inc.** (466 Shady Ave, Cory, PA 16407), to renew a State Only Operating Permit for the facility located in the City of Cory, **Erie County**. The primary sources at the facility include nine (9) natural gas-fueled heating units, a Maxfoam machine, a gluing station, four (4) TDI (Toluene Diisocyanate) 10,000 gallon storage tanks, and ten (10) 10,000 gallon resin storage tanks. The 2012 actual emissions were as follows: 1.2 TPY NO<sub>x</sub>, 0.3 TPY CO, 0.1 TPY VOC, 0.04 TPY PM<sub>10</sub>, less than 0.04 TPY PM<sub>2.5</sub>, and 0.06 TPY SO<sub>x</sub>. The facility is a Natural Minor. This facility was previously a Title V Facility but reduced emissions to below the major source thresholds by eliminating the use of Methylene Chloride as an Auxiliary Blowing Agent. The renewal permit contains emission restrictions, recordkeeping,

work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00886: Cross Paving, LLC** (11620 Lake Pleasant Rd, Union City, PA 16438), to renew a State Only Operating Permit for the facility located in Venango Township, **Erie County**. The facility's primary sources of emissions are a hot mix asphalt batch plant and the associated equipment. The facility is a Synthetic Minor. The only pollutant with potential emissions above the major source level is Carbon Monoxide (CO). Particulate matter is the pollutant with the next greatest potential for emissions which are no greater than 30 tons per year. In order to maintain status as a minor source, asphalt production is limited to no more than 440,000 tons per year. This production rate will limit CO emissions to no more than 90 tons per year. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**33-00085: Symmco Inc.** (40 South Park St., Sykesville, PA 15865-0039), the Department intends to issue the renewal of the Natural Minor Operating Permit for a powdered metal production facility that manufactures sintered metal parts. Permitted sources at the facility include sintering furnaces, degreasers, space and comfort heaters, and an emergency generator. With potential to emit 3.44, 1.90, 1.48, 0.15, and 0.11 TPY of PM, NO<sub>x</sub>, CO, SO<sub>x</sub>, and VOC, respectively, the facility is Natural Minor for permitting purposes. Incorporated into the renewal operating permit, the emergency generator, which was initially permitted through a Request for Determination (RFD), is subject to 40 CFR 60 Subpart JJJJ pertaining to New Source Performance Standards for stationary spark ignition internal combustion engines. Two deactivated sources are removed from the operating permit.

**43-00252: Grove City College** (100 Campus Drive, Grove City, PA 16127-2104) for a renewal operating permit located in Grove City, **Mercer County**. The significant sources are four boilers, miscellaneous natural gas combustion, and a degreaser. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. Boiler 031 will burn natural gas and coal as a backup. Boiler 032 and 033 will burn natural gas and oil as backup. Boiler 034 is natural gas only. If coal is burned in Boiler 031, demonstration of compliance with 40 CFR 63, Subpart JJJJJJ pertaining to NESHAPs for ICI boilers at area sources is required. The facility has taken a restriction of 1,408 tons of coal on a consecutive 12-month basis. The quantity of # 2 fuel oil is limited to 210,000 gallons per year based on a consecutive 12-month basis. The facility is required to keep records of the fuel usages and sulfur content. The potential emissions from the facility are as follows: 7.6 TPY PM<sub>10</sub>; 49.8 TPY NO<sub>x</sub>; 27.5 TPY SO<sub>2</sub>; 42.7 TPY CO; 3.2 TPY VOC, and 50,000 TPY CO<sub>2e</sub>.

## PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

**35-00045A: Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914) for their facility in Covington Township, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Eureka Stone Quarry, Inc. (800 Lower State Road, Chalfont, PA 18914) for their facility in Covington Township, Lackawanna County. This Plan Approval No. 35-00045A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 35-00045A is for the construction and operation of a Recycled Asphalt Pavement (RAP) system to be added to the facilities current hot mix asphalt plant fueled by # 2 oil which includes one (1) baghouse as an air pollution control device. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. The company shall also be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 35-00045A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### Coal Applications Received

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 49100101R. Fox Coal Company, Inc.,** (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 885.0 acres, receiving stream: unnamed tributary to Zerbe Run and Carbon Run, classified for the following use: cold water fishes. Application received: May 15, 2015.

### Noncoal Applications Received

**Effluent Limits**—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:



<i>Parameter</i>	<i>Table 2</i> <i>30-day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 50170801. Kirby Kitner**, 7214 Spring Road, New Bloomfield, PA 17068, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Centre Township, **Perry County**, affecting 5.0 acres, receiving stream: unnamed tributary to Little Juniata Creek. Permit received: May 26, 2017.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08110307. Bishop Brothers Construction Co., Inc.** (P.O. Box 289, Ulster, PA 18850). Transfer of an existing Large Noncoal surface mine from Bronson Construction Company, Inc. with revision to relocate 0.8 acre and add NPDES GP-104. Permit is located in North Towanda Township, **Bradford County** affecting 36.8 acres. Receiving stream(s): Sugar Run classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 12, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 58172506 and NPDES Permit No. PA0225703. WM Quarries, LLC**, (WM Capital Partners XXXIX, LLC, 885 Third Avenue, Suite 2403, New York, NY 10022), Commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County** affecting 6.0 acres, receiving stream: Salt Lick Creek to Susquehanna River, classified for the following uses: HQ—cold water and migratory Fishes. Application received: May 15, 2017.

**Permit No. 58172507 and NPDES Permit No. PA0225711. WM Quarries, LLC**, (WM Capital Partners XXXIX, LLC, 885 Third Avenue, Suite 2403, New York, NY 10022), Commencement, operation and restoration of

a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County** affecting 7.3 acres, receiving stream: Salt Lick Creek to Susquehanna River, classified for the following uses: HQ—cold water and migratory. Application received: May 15, 2017.

**Permit No. 7773SM1A2C16 and NPDES Permit No. PA0595322. H & K Group, Inc.**, (P.O. Box 196, Skip-pack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Douglass Township, **Berks County** affecting 335.0 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes. Application received: May 17, 2017.

**Permit No. 58070801. Russell D. Williams**, (166 Huff Hill Road, Wyalusing, PA 18853), Stage I & II bond release of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres on property owned by Bill Sova. Application received: May 15, 2017.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific

factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES No. PA0256145. (Mining Permit No. 12040102), Allegheny Enterprises, Inc.,** 3885 Roller Coaster Road, Corsica, PA 15829, renewal of an NPDES permit for reclamation only of surface coal mine in Shippen Township, **Cameron County**, affecting 206 acres. Receiving stream(s): Unnamed Tributary "A" to Finley Run, classified for the following use(s): CWF. West Branch Susquehanna River Watershed TMDL. Application received: March 11, 2017.

The outfall(s) listed below discharge to Unnamed Tributary "A" to Finley Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-4	N
PTS # 1	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.53	1.53	1.53
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

PTS # 1 is a treatment facility for Sub-Chapter F monitoring point # 26. Table D-3 Pre-Existing Discharge Effluent Limits apply.

TABLE D3

## PRE-EXISTING DISCHARGE EFFLUENT LIMITS

Monitoring Point or Hydrologic Unit MP # 26	Monthly Average	Instant. Maximum	Sampling	Reporting
Parameter	lbs/day	lbs/day	Frequency	Frequency
Net Acidity	10	13	Weekly	Monthly

## Noncoal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

**NPDES No. PA 0116459 (Mining Permit No. 4775SM18), Hanson Aggregates Pennsylvania, LLC**, 7660 Imperial Way, Allentown, PA 18195-1040, renewal of an NPDES permit for a Large Industrial Minerals quarry in Marion Township, **Centre County**, affecting 227.0 acres. Receiving stream(s): Nittany Creek, classified for the following use(s): CWF. Application received: January 19, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Nittany Creek:

Outfall No.	New Outfall (Y/N)
001—Quarry Sump	N
002—Sed Trap A	N
003—Sed Trap C	N
004—Sed Trap B	N
005—Sed Trap D	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

**NPDES Permit No. PA0122351 on Surface Mining Permit No. 7976SM2. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for an argillite quarry operation in Warrington Township, **Bucks County**, affecting 172.0 acres. Receiving stream: unnamed tributary to Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: August 1, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to unnamed tributary to Neshaminy Creek.

Outfall No.	New Outfall Y/N	Type
001	No	Pit Sump
002	No	Sedimentation Pond

The proposed effluent limits for the above listed outfall are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		16.3	32.6	40.75
TDS (mg/l)		Monitor and Report		
Oil & Grease (mg/l)		Monitor and Report		
Sulfates (mg/l)		Monitor and Report		
Chlorides (mg/l)		Monitor and Report		
Discharge (MGD)		Average 640,000		

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0225142 on Surface Mining Permit No. 58110305. Pennsy Supply, Inc.**, (P.O. Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a sandstone, shale and bluestone quarry operation in Middleton Township, **Susquehanna County**, affecting 95.4 acres. Receiving stream: unnamed tributary to West Branch Wyalusing Creek, classified for the following uses: cold water and migratory fishes. Application received: March 13, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to unnamed tributary to West Branch Wyalusing Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S Sedimentation Pond/Stormwater
002	No	E&S Pit Sump/Stormwater

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Oil & Grease	Monitor and Report			

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0612049 on Surface Mining Permit No. 5476SM4. Glasgow, Inc.,** (P.O. Box 1089, Glenside, PA 19038), renewal of an NPDES Permit for an argillite quarry operation in Montgomery Township, **Montgomery County**, affecting 23.7 acres. Receiving stream: unnamed tributary to Little Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: March 27, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall listed below discharge to unnamed tributary to Little Neshaminy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Stormwater

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Discharge (MGD)			0.195	0.35

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E48-441. Mr. Joseph S. Kish III, Ms. Julie A. Kish, Mr. Richard Bartolacci, Ms. Rhonda Bartolacci,** 7172 Beth Bath Pike, Bath, PA 18014, in East Allen Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of an 18-inch RCP pipe with a headwall and apron, approximately 146 linear feet of stone retaining walls varying from 4 feet to 6 feet in height, and excavation, backfill and grading in various areas of the floodway of Monocacy Creek (HQ—CWF, MF). The project is located at the intersection of Locust Road and Beth Bath Pike (Catasauqua, PA Quadrangle, Latitude: 40°41' 51"; Longitude: -75°23'23").

**E39-556. Fields at Indian Creek, LLC,** 5930 Hamilton Boulevard, Wescosville, PA 18106, in Upper Milford Township, Lower Macungie Township, Emmaus Borough, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.



To construct and maintain the following water obstructions and encroachments associated with the Fields at Indian Creek project:

1. Remove the existing structure and construct and maintain a 7-foot wide, single-span, steel beam bridge with concrete abutments across wetlands (EV) within the Leibert Creek (HQ—CWF, MF) watershed having a 38-foot span and approximately 4-foot underclearance. Fill will be placed within the floodway for the walkway approaches.

2. Remove the existing structure and construct and maintain a 7-foot wide, single-span, steel beam bridge with concrete abutments across Leibert Creek (HQ—CWF, MF) having a 40-foot span and approximately 3.4-foot underclearance. Fill will be placed within the floodway for the walkway approaches.

3. Remove the existing structure and construct and maintain a 7-foot wide, single-span, steel beam bridge with concrete abutments across a UNT to Leibert Creek (HQ—CWF, MF) having a 16-foot span. Fill will be placed within the floodway for the walkway approaches.

4. Remove the existing structure and construct and maintain a 7-foot wide, single-span, steel beam bridge with concrete abutments across Leibert Creek (HQ—CWF, MF) having a 30-foot span and approximately 4-foot underclearance. Fill will be placed within the floodway for the walkway approaches.

5. To construct and maintain a 12-inch DIP water line with a 24-inch steel encasement crossing of Leibert Creek (HQ—CWF, MF) and maintenance vault within its floodway.

6. To construct and maintain a 5-foot wide at-grade walkway within the floodway of Leibert Creek (HQ—CWF, MF) and a UNT to Leibert Creek (HQ—CWF, MF).

The project is located within the former Indian Creek Golf Course approximately 0.25 mile southwest of the intersection of Indian Creek Road and State Route 29 (Allentown West, PA Quadrangle, Latitude: 40°31'36"; Longitude: -75°30'44").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E50-262: Joshua Jorich**, 31 Cornman Lane, Landisburg, PA 17040 in Carroll Township, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 30-foot long 42 inch diameter SLHDPE culvert and associated fill in and across the Little Juniata Creek (WWF) and its floodway and to construct and maintain a driveway in and across 0.05 acre of Exceptional Value Palustrine Emergent wetland. The project is located north of PA Route 17 to a point approximately 150 feet upstream of the Saville/Tuscarora Township line on Raccoon Creek (Newport, PA Quadrangle; Latitude: 40° 23' 38", Longitude: 77° 9' 26") in Carroll Township, Perry County. The purpose of the project is to construct a driveway for access to property for recreational purposes. Wetland impacts are de minimus and compensatory mitigation is not required.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

**E30-251, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Wayne Township, **Greene County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Remove an existing single span concrete Tee beam bridge, 27.9' long, 24.0' wide, with an under clearance of 4.5' over Bells Run (WWF) (aka Stream # 1);

2. Construct and maintain a replacement single span reinforced concrete box culvert, 30.8' long, 24.0' wide, with an under clearance of 6.0' over Bells Run, which includes updating guiderail, improving drainage, and milling and overlaying the approaches;

3. Temporarily impact 164 LF of Stream 1, due to a temporary stream diversion for the removal of the existing structure. Due to the placement of the new culvert Stream # 1 will be permanently impacted 52 LF;

4. Relocate approximately 81 LF of an unnamed tributary to Bells Run (aka Stream # 2) in association with the construction of the new structure.

5. Temporarily impact 132 LF of Stream 2, due to a temporary stream diversion.

6. In addition, approximately 0.004 acre of wetlands will be permanently impacted due to the relocation of Stream # 2.

For the purpose of replacing the existing, structurally deficient bridge on a new horizontal alignment, with associated changes in the approach roads and stormwater management facilities, to meet current design standards. The project is located where Oak Forest Road (S.R. 3013) crosses over Bells Run, near this roadways intersection with Township Road T472 (Holbrook, PA USGS topographic quadrangle; Latitude: 39° 46' 17"; Longitude: -80° 16' 18"; Subbasin 19G; Pittsburgh Corps District), in Wayne Township, Greene County. The project will permanently and cumulatively impact approximately 134' of watercourse and 0.004 acre of PEM wetland, and will temporarily impact 293' of watercourse and 0.009 acre of wetland. Mitigation for these impacts will be provided by constructing the aforementioned, relocated watercourse, and by restoring the temporarily impacted areas to original grades.

**E63-704, McConnell Trails, LLC**, 95 West Beau Street, Suite 600, Washington, PA 15301, Cecil Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 165 LF 48" diameter RCP culvert within the channel of an unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF);

2. Place and maintain fill within 974 LF of a second unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF);

3. Place and maintain fill within 89 LF of a third unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF);

4. Place and maintain fill within 410 LF of a fourth unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF);

5. Place and maintain fill within 71 LF of a fifth unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF);

6. Place and maintain fill within 0.02 acre of an off stream pond;

For the purpose of constructing a 99 acre housing development located approximately 0.5 mile southeast of the intersection of State Route 50 and Muse Bishop Road (USGS Quadrangle: Canonsburg, PA; Latitude: 40° 18' 50"; Longitude: -80° 11' 42"; Sub-basin 20F), in Cecil Township, Washington County. As mitigation, the applicant proposes to construct rock crossvanes and place boulders within, and plant riparian vegetation along 1,549 LF of an unnamed tributary of Millers Run (WWF).

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-786, Amerco Real Estate Company**, 2727 North Central Avenue, 5-N, Phoenix, AZ 85004. U-Haul Moving and Storage Facility, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42.048566°; W: 80.087788°).

To construct a U-Haul Moving and Storage facility along Downs Drive consisting of a 47,978 ft<sup>2</sup> building and associated parking, roadways, utilities, and stormwater management facilities. Project will permanently impact 0.988 acre of wetland. Applicant proposes to create 1.481 acre of wetland on an adjacent lot as mitigation for project impacts. Construction of the mitigation area will temporarily impact 0.019 acre of wetland and 25 LF of UNT Walnut Creek for equipment crossings.

*Northwest Region: District Oil and Gas Office, 230 Chestnut Street, Meadville, PA 16335, Craig Lobins 814.332.6860.*

**E24-08-011, Seneca Resources Corp.**, 5800 Corporation Drive Pittsburgh, PA 15237. South Fork Straight Creek Bridge Replacement in Jones and Ridgway Townships, **Elk County**, Army Corps of Engineers Pittsburgh District (Glen Hazel PA Quadrangle 41.564453N; -78.533379W).

The applicant proposes to remove an existing bridge and associated structures and (1) to construct and maintain a prefabricated steel beam bridge with timber decking having a single waterway opening of 164.18 square feet and associated structures, (2) place and maintain fill on both left and right floodways of South Fork Straight Creek (HQ—CWF/EV, MF) totaling 2,702 square feet of

temporary floodway impacts and 3,045 square feet of permeant floodway impacts, (3) fill in three wetland areas (PSS, PFO & PSS/PFO) totaling 0.003 acre in permanent wetland impacts and 0.024 acre of temporary wetland impacts.

The project will result in 48 linear feet of permanent stream impacts, a total of 2,702 square feet of temporary floodway impacts and 3,045 square feet of permeant floodway impacts. Total wetland impacts include 0.024 acre of temporary impacts and 0.003 acre of permanent impacts.

**E10-08-013, Stonehenge Appalachia**, 11400 Westmoor Circle, Suite 200A, Westminster, CO 80021. Baird to Manuel Pipeline, in Concord Township, **Butler County**, ACOE Pittsburgh District. The proposed project starts at the Baird Well Pad Hilliards, PA Quadrangle N: 41°, 1', 6.27"; W: -79°, 50', 52.57" and ends at Manuel Well Pad Hilliards, PA Quadrangle N: 41°, 0', 11"; W: -79°, 52', 6".

The project consists of the installation and maintenance of approximately 10,230 feet long, 16-inch pipeline and appurtenant structures. The proposed project impacts in Butler County include a total of 300 linear feet of temporary impacts to South Branch Slippery Rock Creek and UNTs to South Branch Slippery Rock Creek, a total of 32.69 linear feet of permanent impacts to South Branch Slippery Rock Creek and UNTs to South Branch Slippery Rock Creek. 0.24 acre of temporary impacts to Palustrine Forested and Palustrine Emergent wetland(s) and 0.15 acre of permanent impacts to Palustrine Forested and Palustrine Emergent wetland(s). To compensate for the proposed permanent project impacts in Butler County, the applicant is proposing the restoration of 0.14 acre of Palustrine Forested Wetland impacted by the project.

**E10-08-012A XTO Energy Inc.**, 190 Thorn Run, Warrendale, PA 15086. Stein Temporary Water Pipeline Major Modification in Franklin Township, **Butler County**, Army Corps of Engineers Pittsburgh District (Prospect PA Quadrangle 40.917456N; 80.002158W).

The applicant proposes to construct and maintain approximately 14,162 linear feet of one 12" overland temporary water pipeline located in Franklin Township, Butler County. The pipeline would convey water from PAWC vault on Old Route 422 to the Stein Well Pad and water from the Stein Impoundment to the Cratty Well Pad.

The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM Wetland (Wetland 1B) having 0.009 acre of temporary wetland impacts.	40.9054300 N 80.0116280 W
2	One (1) 12" temporary above ground waterline with associated right-of-way and temporary road crossing to cross floodway of UNT to Mulligan Run (CWF) (Stream 5) and PEM Wetland (Wetland 11A) having 14,286 square feet of temporary floodway impact and 0.1 acre of temporary wetland impacts.	40.9061810 N 80.0096440 W
3	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM Wetland (Wetland 10A) having 0.08 acre of temporary wetland impacts.	40.9062530 N 80.0081640 W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/Longitude</i>
4	One (1) 12" temporary above ground waterline with associated right-of-way and temporary road crossing to cross UNT to Mulligan Run (CWF) (Stream 7) and PEM Wetland (Wetland 10B) having 32 linear feet of temporary stream impact, 4,176 square feet of temporary floodway impact and 0.05 acre of temporary wetland impacts.	40.9064030 N 80.0078330 W
5	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM Wetland (Wetland 11B) having 0.1 acre of temporary wetland impacts.	40.9069940 N 80.0078830 W
6	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM/PSS Wetland (Wetland 12A) having a total of 0.1 acre of temporary wetland impacts.	40.9118140 N 80.0102720 W
7	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM/PSS/PFO Wetland (Wetland 13A/13/13B) having a total of 0.2 acre of temporary and 0.04 acre of permanent wetland impacts.	40.9154500 N 80.0097140 W
8	One (1) 12" temporary above ground waterline with associated right-of-way and temporary road crossing to cross UNT to Mulligan Run (CWF) (Stream 2) and PEM Wetland (Wetland 12) having 73 linear feet of temporary stream impact, 4,395 square feet of temporary floodway impact and 0.002 acre of temporary wetland impacts.	40.9159560 N 80.0091530 W
9	One (1) 12" temporary above ground waterline with associated right-of-way and temporary road crossing to cross UNT to Mulligan Run (CWF) (Stream 1) having 49 linear feet of temporary stream impact and 5,196 square feet of temporary floodway impact.	40.9162310 N 80.0043560 W
10	One (1) 12" temporary above ground waterline with associated right-of-way and a temporary road crossing through PEM Wetland (Wetland 2) having 0.02 acre of temporary wetland.	40.9173690 N 80.0033810 W

The project will result in 154 linear feet of temporary stream impacts. Total floodway impacts are 28,053 square feet. Wetland impacts include 0.66 acre of temporary and 0.04 acre of permanent, for a total of 0.7 acre of wetland impacts.

**E 10-08-014, EM Energy Pennsylvania, LLC**, 1800 Main Street, Suite 220, Canonsburg, PA 15317. Orion Well Pad, in Washington Township, **Butler County**, ACOE Pittsburgh District. The proposed project starts at 41.070665, -79.794975, Hillards, PA Quadrangle N: 41°, 04', 1.80"; W: -79°, 47', 38.68" and ends at 41.070665, -79.794975, Hillards, PA Quadrangle N: 41°, 04', 1.80"; W: -79°, 47', 38.68".

The project consists of the installation and maintenance of approximately one 80-foot-long, 60-inch culvert for a permanent access road to a well pad. The proposed project impacts in Butler County include a total of 95 linear feet of temporary impacts to a UNT to Silver Creek EV WT, a total of 80 linear feet of permanent impacts to a UNT to Silver Creek EV WT and 0.218 acre of floodway impacts, there are no proposed impacts to wetlands with this project.

For more detailed information regarding the Butler County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Craig Lobins to request a file review.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater



<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. NPDES Renewal Permit Actions**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0058408 (Sewage)	Rivercrest Homeowners Assoc. 100 Rivercrest Drive Phoenixville, PA 19460	Montgomery County Upper Providence Twp	Unnamed Tributary to Schuylkill River to Doe Run 3-E	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0037150 SEW	Penn Township Board of Commissioners 20 Wayne Avenue Hanover, PA 17331	Penn Township, York County	Oil Creek in Watershed(s) 7-H	N
PA0082481 IW	Laurel Creek Water Filtration Plant Municipal Authority of the Borough of Lewistown 70 Chestnut Street Lewistown, PA 17044-2216	Armagh Township, Mifflin County	Laurel Creek in Watershed(s) 12-A	Y
PA0020826 SEW	Dover Township STP 2480 W Canal Road Dover, PA 17315	Dover Township, York County	Little Conewago Creek in Watershed(s) 7-F	N

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0223115 (Industrial)	Comor Plastic Molding 23697 Highway 322 Cochran, PA 16314-6731	Crawford County East Fairfield Township	Unnamed Tributary to French Creek (16-D)	Yes
PA0238414 (Sewage)	Amy L & Roger A Sandak SFTF 124 Memory Lane New Castle, PA 16101-8346	Lawrence County Scott Township	Unnamed Tributary to Big Run (20-A)	Yes



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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**


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*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**NPDES Permit No. PA0026778-A1**, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963.

This existing facility is located in Richland Township, **Cambria County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment. Part A language modified to reflect a flow limitation of 4.95 mgd to serve as the basis for determining a wet weather hydraulic overload as defined in 25 Pa. Code Chapter 94.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0264946**, Sewage, SIC Code 8800, **Richard Seger**, 2108 Mercer Road, Fredonia, PA 16124.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264989**, Sewage, SIC Code 8800, **Steven A Woods**, 6533 Pine City Road, Venus, PA 16364.

This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No 1517402**, Sewage, **West Goshen Sewer Authority**, 1025 Paoli Pike, West Chester, PA 19380.

This proposed facility is located in West Goshen Township, **Chester County**.

Description of Action/Activity: Installation of 2 new 330,000 gallon cylindrical digesters to replace 2 existing anaerobic digesters.

**WQM Permit No. 2316404**, Sewage, **Central Delaware County Authority**, 212 B Unity Terrace, Rutledge, PA 19070.

This proposed facility is located Newtown Township, **Delaware County**.

Description of Action/Activity: Installing 3,750 LF of 36" diameter D.I.P. force main from Crum Creek PS to Little Crum Creek.

**WQM Permit No. 1505420**, Sewage, Renewal, **West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Approval to continue to operate the Griffith Field Wastewater Treatment Plant.

**WQM Permit No. WQG02231701**, Sewage, **Concord Township Sewer Authority**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of sewer system.

**WQM Permit No. WQG02231702**, Sewage, **Concord Township Sewer Authority**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of sewer system.

**WQM Permit No. WQG010062**, Sewage, **David & Megan Burns**, 1003 Towamencin Avenue, Lansdale, PA 19446.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a single residence small flow treatment plant.

**WQM Permit No. WQG02231707**, Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319-0120.

This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Action Activity: Construction and operation of a low pressure system.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 3517403**, Sewage, SIC Code 4952, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Improvements to four existing combined sewer overflow (CSO) facilities located at CSO # 12 (Grove Street), CSO # 33 (East Parker Street), CSO # 40 (East Market Street) and CSO # 73 (Front Street). At each site, this project will involve raising the existing weir in the CSO regulator and installing a flow meter to measure the flow over the weir in wet weather events.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 3674409**, A4, Sewerage, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517-8946.

This proposed facility is located in Brecknock Township, **Lancaster County**.

Description of Proposed Action/Activity:

This amendment approves the construction/modification of sewage facilities consisting of:

- One (1) new 12,500 ft<sup>2</sup> reed bed.
- Replacement of manually operated gate valves on the existing three (3) reed beds with electrically actuated valves.
- The new reed bed will also have these valves.
- Incorporation of programmable logic controller (PLC) system.
- Installation of new flow meter on the sludge line to the reed beds.

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 5917201**, CAFO, SIC Code 0211, 0213, **Drew E. Remley**, 1170 Salt Spring Road, Roaring Branch, PA 17765-8824.

This proposed facility is located in Liberty Township, **Tioga County**.

Description of Proposed Action/Activity: The construction of a nursery barn with underbarn manure storage.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 3717201**, **Grassycrest Farms Inc.**, 638 Miller Road, Slippery Rock, PA 16057-9502.

This proposed facility is located in Plain Grove Township, **Lawrence County**.

Description of Proposed Action/Activity: Permit to construct 1.3 million gallon manure storage facility.

**WQM Permit No. 1017401**, Sewage, **Breakneck Creek Regional Authority**, 1166 Mars Evans City Road, Mars, PA 16046-1180.

This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: Upgrades to Davidson Road pump station and installation of upstream comminutor.

**WQM Permit No. 4317403**, Sewage, **Richard Seger**, 2108 Mercer Road, Fredonia, PA 16124.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 1617401**, Sewage, **Steven A Woods**, 6533 Pine City Road, Venus, PA 16364.

This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400002	Walden Estates, Inc. 57 N. Mountain Boulevard Mountain Top, PA 18707	Luzerne	Fairview Township	Big Wapwallopen Creek (HQ-CWF, MF)
PAD130001	PPL Electric Utilities Corporation Two North Ninth Street GENN4 Allentown, PA 18101-1179	Carbon	Lower Towamensing Township	Aquashicola Creek (HQ-CWF, MF) Aquashicola Creek (TSF, MF)
PAD390023	Mack Trucks, Inc. 3350 Gehman Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)
PAD450019	Snydersville Development Group, LLC Dan Henning PO Box K Stroudsburg, PA 18360	Monroe	Hamilton Township	Appenzel Creek (HQ-CWF, MF)

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAD650007	JV 10, LLC 14431 Route 30 North Huntingdon, PA 15642	Westmoreland County	Murrysville Borough	UNT to Steels Run (HQ-CWF)

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAC090057	Metro Storage Doylestown LLC 13528 West Boulton Boulevard Lake Forest, IL 60045	Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAC090038	Doylestown Hospital 595 West State Street Doylestown, PA 18901-2554	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAC090022	Waste Management of PA, Inc. 1000 New Ford Mill Road Morrisville, PA 19067	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAC090052	Mike Lorio 2629 Windy Bush Road Wrightstown, PA 18940	Unnamed Tributary to Jericho Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Northampton Township Bucks County	PAC090061	Woodbury Grove Investors, LP 370 East Maple Avenue Langhorne, PA 19047	Tributary to Little Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAC090037	Prestige Property Partners, LLC 1126 Horsham Road Maple Glen, PA 19002	North Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAC090058	Doylestown MOB III, L.P. 1300 North Grant Avenue Suite 209 Wilmington, DE 19086	Cocks Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Rockhill Township Bucks County	PAC090060	James B. Landis 1240 West Rock Road Perkasie, PA 18944	Three Mile Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAC090051	Lower Makefield Township 1100 Edgewood Road Yardley, PA 19067	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Dunmore Borough Lackawanna County	PAC350012	Dunmore Warehouse Investors, L.P. 1777 Sentry Parkway West Building 12 Suite 200 Blue Bell, PA 19422	UNT to Eddy Creek (WWF, MF) UNT to Meadow Brook (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Upper Saucon Township Lehigh County	PAC390014	PD Lanark, LP 60 West Broad Street Suite 102 Bethlehem, PA 18018	Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Plains Township Luzerne County	PAG02004016021	Memco Realty Company c/o Lawrence Medico 1500 Highway 315 Wilkes-Barre, PA 18711	UNT to Gardner Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Hazle Township Luzerne County	PAC400017	Tri-Mountain Realty I, LLC c/o Neal A. DeAngelo 8 West Broad St Suite 1000 Hazleton, PA 18201	UNT to Stony Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Lenox Township & Clifford Township Susquehanna County	ESG00115150001(1)	Tennessee Gas Pipeline Co, LLC c/o Thomas Hutchins 1001 Louisiana Street Suite 1000 Houston, TX 77002	Tunkhannock Creek (CWF, MF) UNT to Idlewild Creek (CWF, MF) Partners Creek (CWF, MF) Nine Partners Creek (CWF, MF) Sterling Brook (CWF, MF)	Susquehanna County Conservation District 570-278-4600



*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Pleasant Township Adams County Issued	PAC010022	John Repasky Hanover Architectural Products 240 Bender Road Hanover, PA 17331	South Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Maxatawny Township Berks County Issued	PAC060050	James Schadler, Schadler Industrial, LLC 559 A Long Lane Road Kutztown, PA 19530	UNT Mill Creek (TSF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
City of Reading Berks County Issued	PAC060065	Gregory Fulmer, Albright College PO Box 15234 Reading, PA 19612	UNT Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Silver Spring Township Cumberland County Issued	PAC210029	West Shore Holdings, LP 3745 Hempland Road Mountville, PA 17554	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Derry Township Dauphin County Issued	PAC220024	The Hershey Co. 100 Crystal A Drive Hershey, PA 17033	Spring Creek East (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220034	Cider Press Associates, LLC 4712 Smith Street Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County Issued	PAC220033	LINLO Properties X, LP 1013 Mumma Road S 100 Lemoyne, PA 17043	UNT Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Harrisburg City Dauphin County Issued	PAC220035	Paxton Ministries 2001 Paxton Street Harrisburg, PA 17111	Spring Creek (CWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
West Lampeter Township Lancaster County Issued	PAC360066	FCI Properties, LLC Calabrese Good Architects Inc. 134 West Main Street Leola, PA 17540	Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

East Lampeter  
Township  
Lancaster County  
Issued

PAC360101

Iron Stone Homes, LLC  
1480 Ironstone Drive  
East Earl, PA 17519

Conestoga River  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Penn Township  
Lancaster County  
Issued

PAG02003607079-R(2)

Forino Co. LP  
555 Mountain Home  
Road  
Sinking Spring, PA 19608

Little Conestoga  
Creek  
(TSF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

East Lampeter  
Township  
Lancaster County  
Issued

PAC360096

Glick Fire Equipment  
Company  
350 Mill Creek Road  
Bird-in-Hand, PA 17505

Stauffer Run  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Ephrata Township  
Lancaster County  
Issued

PAC360080

Lawrence Leidi  
192 Slate Road  
Ephrata, PA 17522

UNT Muddy Creek  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Earl Township  
Lancaster County  
Issued

PAC360084

Matthew Zimmerman  
240 Gristmill Road  
New Holland, PA 17557

UNT Conestoga  
River  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

East Cocalico  
Township  
Lancaster County  
Issued

PAC360086

Barry Simpson  
108 Garden Spot Road  
Ephrata, PA 17522

Stony Run  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361x5

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Harris Twp,  
Centre Cnty

PAC140015

JNJP Holdings, LLC  
198 Fenwick Drive  
Port Matilda, PA 16870

UNT to Slab Cabin  
Run CWF, MF

Centre County  
Conservation District  
414 Holmes Ave  
Ste 4  
Bellefonte, PA 16823  
(814) 355-6817

Rush Twp,  
Centre Cnty

PAC140016

Penelec  
341 White Pond Drive  
Akron, OH 44320-1119

Moshannon Creek  
TSF, MF

Centre County  
Conservation District  
414 Holmes Ave  
Ste 4  
Bellefonte, PA 16823  
(814) 355-6817

Franklin Twp,  
Columbia Cnty

PAC190006

Southern Columbia  
High School  
812 Southern Drive  
Catawissa, PA 17820

Roaring Creek

Columbia County  
Conservation District  
702 Sawmill Rd  
Ste 204  
Bloomsburg, PA 17815  
(570) 784-1310 x102

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Danville Boro, Montour Cnty	PAC470003	Danville Area School District 600 Walnut Street Danville, PA 17821	Sechler Run CWF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Bethel Park Borough	PAC020059	Guardian Storage Bethel Park, LLC 5879 Centre Avenue Pittsburgh, PA 15206	Sawmill Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Penn Hills Township	PAC020039	O'Reilly Automotive Stores, Inc. 233 South Patterson Springfield, MO 65802	UNT to Turtle Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Pine Township	PAC020058	Pitell Homes 3413 Babcock Boulevard Pittsburgh, PA 15237	UNT to Bush Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ross Township	PAC020047	Ross Township 1000 Ross Municipal Drive Pittsburgh, PA 15237	UNT to Girtys Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Robinson Township	PAC020054	NorthPoint Development, LLC 4825 Northwest Forty-First Street Suite 500 Riverside, MO 64105	UNT to Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Bethel Park Borough	PAC020056	Municipality of Bethel Park 5100 West Library Avenue Bethel Park, PA 15102	Catfish Run (TSF); Lower Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
City of Pittsburgh	PAC020060	Brackenridge Oak Hill, LLC 150 Mount Vernon Street Boston, MA 02125	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020053	Housing Authority of the City of Pittsburgh 200 Ross Street Ninth Floor Pittsburgh, PA 15219	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Wilkins Township	PAC020033	Drive Time 1720 West Rio Salado Parkway Tempe, AZ 85281	UNT to Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ross Township	PAC020041	Buck Hill Road, LP 375 Golfside Drive Wexford, PA 15090	Lowries Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Baldwin Borough	PAC020066	AR Building Company 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046	UNT to Lick Run (TSF); Streets Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Harrison Township	PAC020021	R & Z Harrison Properties, LP 109 High Point Road Sarver, PA 16055	Little Bull Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Marshall Township	PAC20046	NRPD, LLC 761 Osage Road Pittsburgh, PA 15243	Big Sewickley Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Elizabeth Township	PAC020052	PTV V, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	Wylie Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Plum Borough	PAG02000216067	Pugliano Realty 2000 Sheena Drive Pittsburgh, PA 15239	Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Findley Township	PAC020001-1	Allegheny County Airport Authority P.O. Box 12370 Pittsburgh, PA 15231	McClarens Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Marshall Township	PAC020071	Singer Properties, LP P.O. Box 97 Mars, PA 16046	Brush Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Stowe Township	PAC020057	Brooktrout Development, LLC 906 Grandview Avenue Pittsburgh, PA 15211	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Pine Township	PAC020062	Chick Fil A, Inc. 5200 Buffington Road Atlanta, GA 30349	UNT to Wexford Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Borough of Glassport	PAC020072	Rodriguez Associates, Inc. 100 West Station Square Drive Suite 350 Pittsburgh, PA 15219	Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
West Mifflin Borough	PAC020079	Liberty USA 920 Irwin Run Road West Mifflin, PA 15122	UNT to Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ross Township	PAC020068	NorthPoint Development, LLC 4825 North Forty-First Street Suite 500 Riverside, MO 64150	Girtys Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Mount Lebanon Township	PAC020073	NorthPoint Development, LLC 4825 Northwest Forty-First Street Suite 500 Riverside, MO 64150	UNT to Sawmill Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Whitehall Borough	PAC020088	South Hills Country Club 4305 Brownsville Road Pittsburgh, PA 15236	Streets Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Harmar Township	PAC020075	Allegheny Valley School District Acmetonia Primary School 300 Pearl Avenue Cheswick, PA 15024	Lower Allegheny (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020084	The McCandless Township Sanitary Authority 418 Arcadia Drive Pittsburgh, PA 15237	UNT to Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020074	Tree Pittsburgh 5401 Butler Street Second Floor Pittsburgh, PA 15201	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Plum Borough	PAC20082	Future Development Group, LP 1272 Mars-Evans City Road Evans City, PA 16033	UNT to Plum Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Reade Township	PAC110016	Reade Township Municipal Authority 1032 Skyline Drive Blandburg, PA 16619	UNTs to Muddy Run (CWF); UNT to Clearfield Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Georges Township	PAC260007	Thomas A. Rich P.O. Box 208 Smithfield, PA 15478	Muddy Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
East Mahoning Township	PAC320005	PTV 1004, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	Pine Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Rayne Township	PAC320009	Ligonier Construction Company, Inc. P.O. Box 277 Laughlintown, PA 15655	Crooked Creek (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Borough of Stoneboro, Mercer County	PAC430014	Borough of Stoneboro 59 Lake Street Stoneboro, PA 16153	Sawmill Run and Sandy Creek tributary WWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
Neshannock Twp, Lawrence County	PAC370008	Ward's Ridge LLC Attn Michael Wish 2418 Wilmington Road New Castle, PA 16105	UNT to Camp Run WWF	Lawrence County Conservation District Lawrence County Government Center 430 Court Street New Castle, PA 16101 724-652-4512
Barkeyville Boro, Venango County	PAC610004	Barkeyville Municipal Authority James Coursen 1610 Barkeyville Road Grove City, PA 16127	N. Branch Slippery Rock Creek CWF	Venango County Conservation District 1793 Cherrytree Road Franklin, PA 16323 814-676-2832

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Douglass Township Montgomery County	PAR210002	New Enterprise Stone & Lime Co., Inc. 3912 Brumbaugh Road New Enterprise, PA 16664	Swamp Creek 3-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Perry Township Mercer County	PAG038352	JJ Kennedy Inc. PO Box 69 Zelienople, PA 16063	Unnamed Tributary to Little Shenango River—20-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Punxsutawney Borough Jefferson County	PAG038353	JJ Kennedy Inc. PO Box 69 Zelienople, PA 16063	Mahoning Creek—17-D	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Paint Township Clarion County	PAG038351	JJ Kennedy Inc. PO Box 69 Zelienople, PA 16063-0069	Unnamed Tributary to Deer Creek—17-B	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Bradford City  
McKean County

PAG038354

Buffalo & Pittsburgh  
RR Inc.  
400 Meridian Centre  
Suite 300  
Rochester, NY 14618-3991Tunungwant  
Creek—  
16-CDEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814.332.6942Johnsonburg  
Borough  
Elk County

PAG038356

Buffalo & Pittsburgh  
RR Inc.  
400 Meridian Centre  
Suite 300  
Rochester, NY 14618-3991

Clarion River—17-A

DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814.332.6942Bell Township  
Jefferson County

PAG038355

Buffalo & Pittsburgh  
RR Inc.  
400 Meridian Centre  
Suite 300  
Rochester, NY 14618-3991Mahoning Creek—  
17-DDEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814.332.6942*General Permit Type—PAG-8**Facility Location &  
County/  
Municipality**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Lebanon County/  
North Cornwall  
Township

PAG083503

City of Lebanon Authority  
2321 Ridgeview Road  
Lebanon, PA 17042City of Lebanon  
Authority WWTF  
2321 Ridgeview  
Road  
Lebanon, PA 17042DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717-705-4707**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
John Cornelius 18121 Hares Valley Road Mapleton Depot, PA 17052	Huntingdon	270.2	672.66	Finishing Swine	Hares Valley Creek—N/A	Approved



## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Operations Permit # 0917507** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] Bristol Borough, **Bucks County** on May 31, 2017 for operation to Replacement of Chlorine Dioxide Generator-Bristol Water Treatment Plant facilities approved under construction permit # 0917507.

**Operations Permit # 0917515** issued to: **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954, [(PWSID)] Northampton Township, **Bucks County** on May 25, 2017 for the operation of Northampton Bucks County Municipal Authority Liquid Sodium Hypochlorite Feed System at Well House Nos. 3, 5, 6, and 17, and the Spring Garden Booster Pump Station facilities approved under construction permit # 0916514.

**Permit No. 2317502, Minor Amendment.** Public Water Supply.

Applicant	<b>Chester Water Authority</b> 415 Welsh Street P.O. Box 467 Chester, PA 19016
Township	Aston
County	<b>Delaware</b>
Type of Facility	PWS

Consulting Engineer	Tank Industry Consultants P.O. Box 24359 Indianapolis, IN 46224-0359
Permit to Construct Issued	May 30, 2017

**Permit No. 0916524, Major Amendment.** Public Water Supply.

Applicant	<b>Doylestown Township Municipal Authority</b> 425 Wells Road Doylestown, PA 18901
Township	Doylestown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	SC Engineers, Inc. 511 Church Road Hatfield, PA 19440
Permit to Operate Issued	May 31, 2017

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 5217503,** Public Water Supply.

Applicant	<b>Lake Adventure Community Association</b> 105 Office Way North Milford, PA 18337
Municipality	Dingman Township
County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	Russell D. Scott IV, P.E. RKR Hess, A Division of UTRS, Inc. 112 North Courtland Street East Stroudsburg, PA 18301

Permit to Construct Issued	June 1, 2017
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**Permit No. 2660018, Operations Permit,** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 1 Aqua Way White Haven, PA 18661
[Borough or Township]	Clinton Township
County	<b>Wyoming</b>
Type of Facility	PWS
Consulting Engineer	Mr Chad Angle PE GHD Inc 1240 N Mountain Rd Harrisburg, PA 17110
Permit to Operate Issued	5/18/2017

**Permit No. 2450018, Transfer of Operation Permit,** Public Water Supply.

Applicant	<b>Deer Run Mobile Home Community, LLC</b> Attention: Mr. Paul Cmil 1 Sycamore Drive Bath, PA 18014
Municipality	Stroud Township

County Monroe  
 Type of Facility PWS  
 Consulting Engineer N/A  
 Permit to Operate 05/12/2017  
 Issued

**Permit No. 3390031, Transfer of Operation Permit, Public Water Supply.**

Applicant **CinQuefoil LP/C/O A. Hunter Property Management**  
 Attention: Ms. Susan L. Hochstedler, General Partner  
 Box 224  
 Annville, PA 17003

Municipality Upper Macungie Township  
 County **Lehigh County**  
 Type of Facility PWS  
 Consulting Engineer N/A  
 Permit to Operate June 2, 2017  
 Issued

**Application No. 3517503MA, Public Water Supply.**

Applicant **PA American Water Company**  
 800 W. Hershey Park Drive  
 Hershey, PA 17033  
 [Township or Borough] City of Scranton  
**Lackawanna County**  
 Responsible Official Mr. David Kaufman  
 Vice President-Engineering  
 Type of Facility Public Water Supply  
 Consulting Engineer Paul J. Mourt, PE  
 Mott MacDonald  
 The Public Ledger Building,  
 Suite 1040  
 150 S. Independence Mall West  
 Philadelphia, PA 19106  
 Permit Issued 05/31/2017

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2217501, Public Water Supply.**

Applicant **Millersburg Area Authority**  
 Municipality Millersburg Borough  
 County **Dauphin**  
 Responsible Official Nick McCarron, Manager  
 101 West Street  
 Millersburg, PA 17601  
 Type of Facility Upgrade to the existing Rising Sun Booster Station serving the Cloverly Acres pressure zone, including the replacement the booster pumps & piping and demolition of old equipment.  
 Consulting Engineer D. Jeffrey Golding, P.E.  
 Gannett Fleming, Inc.  
 PO Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct 5/31/2017  
 Issued

**Comprehensive Operation Permit No. 7220015** issued to: **United Water Pennsylvania (PWS ID No. 7220015)**, Lower Paxton Township, **Dauphin County** on 6/1/2017 for the operation of facilities approved under Construction Permit No. 2215509 MA.

**Operation Permit No. 2116507 MA** issued to: **ReGENCY Woods Mobile Home Park (PWS ID No. 7210057)**, Middlesex Township, **Cumberland County** on 5/31/2017 for facilities approved under Construction Permit No. 2116507 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 1716505-MA—Operation—Public Water Supply.**

Applicant **Aqua Pennsylvania, Treasure Lake Division**  
 Township/Borough Sandy Township  
 County **Clearfield**  
 Responsible Official James S. Willard  
 Western Area Manager  
 665 South Dock St.  
 Sharon, PA 16146  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Entech Engineering  
 400 Rouser Rd.  
 Building # 2, Suite 200  
 Coraopolis, PA 15108  
 Permit Issued May 22, 2017  
 Description of Action Authorizes Aqua PA Western Area Treasure Lake Division at Well Station N-23 to store 12.5% sodium hypochlorite in four 200-gal double wall/dual containment tanks and use four peristaltic pumps, each with 40 gallons per day capacity at 100 psi, to feed 12.5% sodium hypochlorite into water from Well N-23 both before and after Greensand Plus filtration for disinfection, oxidation of Iron and Manganese and maintenance of adequate free chlorine residual, and to use a finished water color analyzer to mitigate the risk of potentially overfeeding potassium permanganate.

**Permit No. 1717503-MA—Construction—Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
 Township/Borough Sandy Township  
 County **Clearfield**  
 Responsible Official Patrick R. Burke  
 Dir. Of Operations Greater PA  
 726 West Lancaster Ave.  
 Bryn Mawr, PA 19010  
 Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.  
Entech Engineering  
400 Rouser Rd.  
Building # 2, Suite 200  
Coraopolis, PA 15108

Permit Issued May 22, 2017

Description of Action Authorizes Aqua Pennsylvania to replace the gas chlorination disinfection systems at well stations N-12, N-14 and N-32 with disinfection systems that use a peristaltic pump (at well station N-12 and at well station N-14) or a diaphragm pump (at well station N-32) to feed 12.5% sodium hypochlorite into the water from each well.

**Permit No. MA-GWR—Construction and Operation—Public Water Supply.**

Applicant **Spring Township Municipal Authority**

Township/Borough Spring Township  
County **Snyder**

Responsible Official Ms. Kim L. Freed  
PO Box 133  
Beaver Springs, PA 17812

Type of Facility Public Water Supply

Consulting Engineer John Williams, PE  
3909 Brandywine St.  
High Point, NC 27265

Permit Issued May 22, 2017

Description of Action Authorizes the installation and operation of an existing sodium hypochlorite disinfection system for Well No. 1.

**Permit No. 1717504MA—Construction—Public Water Supply.**

Applicant **Clearfield Municipal Authority**

Township/Borough Lawrence Township  
County **Clearfield**

Responsible Official Mr. John Williams  
107 East Market St.  
Clearfield, PA 16830

Type of Facility Public Water Supply

Consulting Engineer James Potopa, PE  
Gwin Dobson & Foreman Inc.  
3121 Fairway Dr.  
Altoona, PA 16602-4496

Permit Issued June 5, 2017

Description of Action Authorizes modifications to the Mt. Joy Pump Station, Mt. Joy Booster Chlorination Station, and Mt. Joy Finished Water Storage Tank.

**Appalachian Utilities, Inc. (Public Water Supply), Harris Township, Clinton County:** On June 2, 2017, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Appalachian Utilities, Inc., Clinton County. The personnel involved with the development of this SWP are to be commended for taking these

proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Chad Miller, P.E. (570) 327-3673).

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672 (**PWSID # 5260036**) Hempfield Township, **Westmoreland County** on June 2, 2017 for the operation of facilities approved under Construction Permit # 2614506.

**Operations Permit** issued to: **Confluence Borough Municipal Authority**, 711 Logan Place, Confluence, PA 15424 (**PWSID # 4560033**) Confluence Borough, **Somerset County** on June 2, 2017 for the operation of facilities approved under Construction Permit # 5616504.

**Operations Permit** issued to: **Confluence Borough Municipal Authority**, 711 Logan Place, Confluence, PA 15424 (**PWSID # 4560033**) Lower Turkeyfoot Borough, **Somerset County** on June 2, 2017 for the operation of facilities approved under Construction Permit # 5616506.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 7223-T1-MA5. Public Water Supply.**

Applicant **PA American Water Company**

Township or Borough Saxonburg Borough  
County **Butler**

Type of Facility Public Water Supply

Consulting Engineer Ralph Wawrzyniakowski  
PA American Water Company  
907 Lundys Lane  
Ellwood City, PA 16117

Permit to Construct Issued May 31, 2017

**Permit No. 1090503-T1-MA1. Public Water Supply.**

Applicant **Erie City Water Authority**

Township or Borough City of Erie  
County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Craig Bauer, P.E.  
KLH Engineers  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued May 31, 2017

**Operation Permit** issued to **PA American Water Ellwood District, PWSID No. 6370011**, Ellwood City Borough, **Lawrence County**. Permit Number 3716503 Issued May 31, 2017 for the permitting of two existing (unpermitted) booster pump stations. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 6, 2017.

**Emergency Operation Permit** issued to **North East Borough, PWSID No. 6250061**, North East Township, **Erie County**. Issued June 1, 2017 for installation and operation of the six top of filter sodium hypochlorite injection points.



## WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA2-858B, Water Allocations. Borough of Oakdale,** 6115 Noblestown Road, Oakdale, PA 15071, **Allegheny County.** The right to purchase 271,000 gallons of water per day, peak month, from the Pennsylvania American Water Company.

**WA2-858C, Water Allocations. Borough of Oakdale,** 6115 Noblestown Road, Oakdale, PA 15071, **Allegheny County.** The right to purchase 271,000 gallons of water per day, peak month, from the Western Allegheny County Municipal Authority.

## SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Moscow Borough	123 Van Brunt Street Moscow, PA 18444	Lackawanna

*Plan Description:* The Component 3m Minor Act 537 Plan Update Revision was approved by DEP on May 30, 2017.

The plan provides for the Church Street Sewer Extension which will serve 46.5 equivalent dwelling units on 29 individual existing properties. The project will replace existing malfunctioning onlot disposal systems in the project area. The proposed service area is depicted in the Sewer Service Area map received by the Department on May 26, 2017. There is no proposed development with this project. Any proposed new land development will require the completion of appropriate sewage facilities planning requirements. The sanitary sewers will consist of a low pressure sanitary sewer with individual grinder pumps. Sewage will be transported to the existing collection system and the Moscow Sewer Authority Wastewater Treatment Plant.

The preferred method of financing for the proposed sewer extension is USDA funding.

The Department's review of the Component 3m Minor Act 537 Plan Update Revision has not identified any significant environmental impacts resulting from the proposal. Any required WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Larksville Borough	211 East State Street Larksville, PA 18704	Luzerne

*Plan Description:* The Act 537 Plan Update Revision was approved by DEP on June 2, 2017.

The Department of Environmental Protection (DEP) has reviewed Larksville Borough's November 2016 Act 537 Official Sewage Facilities Plan Update Revision for Valley View Estates Residential Subdivision ("the Plan"). The Plan was prepared by PennEastern Engineers, LLC. On December 7, 2016, April 12, 2017 and June 1, 2017 additional information was received from PennEastern Engineers, LLC and included with the Plan.

The Plan proposes to repair and replace the existing sewage collection system and to build a new wastewater treatment plant. The selected alternative is described as Option 1B in the Plan. The proposed sewage facilities will serve the five existing homes in Valley View Estates Subdivision. The treated effluent of 2,000 GPD is proposed to be discharged to Brown Creek.

The project construction costs will be funded by a grant from Local Share Account and a grant from the Commonwealth Financing Authority.

The Department's review of the Act 537 Plan Update Revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Girard Township	10140 Ridge Road Girard, PA 16417	Erie

*Plan Description:* The approved plan provides for public sewer service availability to Uncle John's Campground, Country Gardens Mobile Home Park and potential future service to the Lake Erie Community Park through an Inter-municipal Agreement between Girard Township, Lake City Borough and Lake City Municipal Sewer Authority. Connection of these entities will add a maximum of 35,000 gallons of sewage per day to Lake City Borough's WWTP.

## SEWAGE FACILITIES ACT PLAN DISAPPROVAL

**Plan Disapprovals Under the Pennsylvania Sewage Facilities Act**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. 717-705-4707.*

### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lykens Township	2073 East Middle Rd. Lykens, PA 17048	Dauphin

*Plan Description:* The sewage planning exemption request submitted for the Mervin K. and Suzanne Zook Subdivision, DEP Code No. A3-22923-103-2E, APS Id 942217, is disapproved. The submission proposed a subdivision to create one new single family residential lot and a residual tract with an existing dwelling, with each to use individual onlot sewage disposal systems. The proposed subdivision is located at the end of North Horse Trail Lane, north of the junction with East Middle Road. This plan is disapproved because the use of onlot sewage disposal is proposed for new land development in an area that is within 1/4 mile of a well that is documented to exceed 5 PPM nitrate-nitrogen. Reference Chapter 71,



Section 71.51(b)(1)(ii). Furthermore, the proposed subdivision is within an area that Lykens Township's Official Plan has designated as requiring preliminary hydrogeologic studies. Therefore, the proposal must be submitted using the Component 2 module forms.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Donaldson Residence**, 1897 Meadows Road, Lower Saucon Township, **Northampton County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of Laurena, LLC, 4440 Pond View Court, Bethlehem, PA 18020, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**325 Realty Property**, Rear 258 Race Street aka 325 Union Street, Catasauqua Borough, **Lehigh County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of 325 Realty, LLC, 700 Savage Road, Suite 7, Northampton, PA 18067, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and tert-Butyl-Methyl-Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lehigh Valley Industrial Park, LLC Slag Bank 2**, 530 East Third Street, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 2141 Commerce Center Blvd., Bethlehem, PA 18015, submitted a Site-Specific Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated due to historic use as a repository for slag and as a stockpile area for various materials used in the production of steel. The predominant contaminants found are heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Domestic Casting Company, LLC**, 275 North Queen Street, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. August Mack, Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of Domestic Casting Company, LLC, 620 Liberty Road, Delaware, OH 43015, submitted a Remedial Investigation Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Marathon New Castle Site (MPC No. 3670)**, 718 East Washington Street, City of New Castle, **Lawrence County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Risk Assessment Report concerning the remediation of site soils and site groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1-methylnaphthalene, 2-methylnaphthalene, 1,2,4-trimethylbenzene (TMB), 1,3,5-TMB, 1,2-dibromoethane, 1,2-dichloroethane, anthracene, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, acenaphthylene, fluoranthene, fluorene, phenanthrene, pyrene, and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Trinity Industries Plant 102S RR Cars Mfg.**, 100 York Street, Hempfield Township, **Mercer County**. Golder & Associates, Inc., 200 Century Parkway, Suite C, Mt. Laurel, NJ 18054, on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207, submitted a Final Report concerning the remediation of site soils contaminated with Antimony, Arsenic, Cadmium, Chromium, Hexavalent Chromium, Iron, Lead, Manganese, Molybdenum, Mercury, Nickel, Selenium, Zinc, 1,2,4-

Trimethylbenzene, 1,3,5-Trimethylbenzene, Ethylbenzene, m,p-Xylenes, Toluene, Trichloroethene, Total Xylenes, Naphthalene, Dieldrin, and Total PCBs. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Phoenix French Creek Manor**, North Main Street, Phoenixville Borough, **Chester County**. John Mulan, Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08109 on behalf of Eric Moore, Phoenix French Creek Manor LLC, 2 Ponds Edge Drive, Chadds Ford, PA 19317 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with semi-vocs and vocs. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF804650.

**Roddy Products Packaging Company, Inc.**, 3 Merion Avenue, Aldan Borough, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Joseph L. Masticola, Jr., Roddy Products Packaging Company Inc., P.O. Box 164, Aldan, PA 19018 has submitted a Final Report concerning remediation of site soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF817760.

**Conley Residence**, 611 Sharpless Street, West Chester Borough, **Chester County**. Mark Schaeffer, Stantec Consulting Service, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, Scott Sullivan, Superior Plus Energy Services, 1870 Winton Road South, Suite 200, Rochester, New York, 14618 on behalf of Judy Conley, 611 Sharpless Street, West Chester, PA 19380 has submitted a 90-day Final Report concerning remediation of site soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF818636.

**Clermont Property**, 330-340 Leidy Road, Cowpath Road and 329 East Township Line Road, Souderton Township, **Bucks County**. James Sieracki, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Blecker Acquisitions, L.P., 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 has submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF810251.

**301 Jacksonville Road**, 301 Jacksonville Road, Borough of Hatboro, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwd, PA 19004, Michael A. Christie, P.G., Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Kevin Silverang, 301 Historic Investors, LLC, 595 East Lancaster Avenue, Suite 203, St. Davids, PA 19087 on behalf of Stephen Cassidy, 301 Jackson Investors, L.P., 260 West Walnut Lane, Philadelphia, PA 19144 has submitted a Cleanup Plan/Risk Assessment Report and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons, pahs, metals and vocs. The report is intended to document remediation of the site to meet the Site-Specific Standards. PF813032.

**Owen Residence**, 506 Cedar Hill Road, Horsham Township, **Montgomery County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518, John Walsh, Clyde S. Walton, Inc, P.O. Box 1669, Lansdale, PA 19446 on behalf of Gail Owens, 506 Cedar Hill Road, Ambler, PA 19002 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF818642.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**ICI Americas**, Near Route 443 West, West Penn Township, **Schuylkill County**. Element Environmental Solutions, Inc., 61 Willow Street, PO Box 921, Adamstown, PA 19501, on behalf of Expert Management, Inc., 525 West Van Buren Street, Chicago, IL 60607, submitted a Site-Specific Remedial Investigation Report concerning the remediation of site groundwater contaminated with solvents and metals. The Remedial Investigation Report submitted was disapproved by the Department on May 31, 2017.

**Arnold R. Cook Estate**, 340 Bierys Bridge Road, City of Bethlehem, **Northampton County**. Coventry Environmental Assoc., PO Box 224, St. Peters, PA 19470, on behalf of Kolb, Vasiliadis & Florenz, LLC, 60 West Broad Street, Suite 303, Bethlehem, PA 18018, submitted a Final Report concerning the remediation of site soils contaminated with benzene, ethylbenzene, isopropylbenzene, methyl-t-butyl-ether, naphthalene, toluene, 1,2,4 trimethylbenzene, and 1,3,5 trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 31, 2017.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Former Lancaster Malleable Casting Corporation**, 1046 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of MacLand LLC, 1050 Fruitville Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals, VOCs and SVOCs. The Remedial Investigation Report and Cleanup Plan were administratively incomplete and disapproved by the Department on May 30, 2017.

**Buddies Nursery**, 7001 Ben Franklin Highway, Birdsboro, PA 19508, Exeter Township, **Berks County**. BAI Group, Inc., 341 10th Avenue, Suite 103, Royersford, PA 19468, on behalf of Aulenbach & Son, Inc., 395 Old River Road, Birdsboro, PA 19508 and Buddies Nursery, 7001 Ben Franklin Highway, Birdsboro, PA 19468 submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on May 30, 2017.

**Max-Mile Car Care Center**, 145 Guy Street, Hallam, PA 17406, Hallam Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Jump Start Garage, 2739 Black Bear Road, Needmore, PA 17238, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 1, 2017.

**914 South 13th Street**, Harrisburg, PA 17103, City of Harrisburg, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011, on behalf of Nancy L. Martin, 219 Westview Drive, Elizabethtown, PA 17022, submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated

with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on June 1, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**JKLM Headwaters Pad 143**, Ulysses Township, **Potter County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, has submitted a Final report concerning remediation of soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on May 24, 2017.

**US 1 Trucking Inc.**, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of US 1 Trucking, Inc., 3203 Tremley Point Road, Linden, NJ 07036, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on May 18, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Damascus Tube (Off-Property Ditches)**, 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Marcegaglia—USA, 1001 East Waterfront Drive, Munhall, PA 15120, submitted a Final Report concerning the remediation of site surface water and sediment contaminated with cis-1,2-Dichloroethene, Trichloroethene, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[g,h,i]perylene, Benzo[a]pyrene, Chrysene, Fluoranthene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Pyrene, Aroclor-1254, Aroclor-1260, Aluminum, Antimony, Arsenic, Barium, Cadmium, Chromium III, Chromium VI, Cobalt, Copper, Iron, Lead, Manganese, Nickel, Vanadium, and Zinc. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on May 19, 2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act) (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

#### Hazardous Waste Transporter License Reissued

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective Jun 05, 2017.

**Elliott Truck Line, Inc.**, PO Box 1, Vinita, OK 74301. License No. PA-AH 0355. Effective Jun 01, 2017.

#### Renewal Applications Received

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective Jun 01, 2017.

**Elliott Truck Line, Inc.**, PO Box 1, Vinita, OK 74301. License No. PA-AH 0355. Effective May 22, 2017.

## REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Carlucci Construction Company, Inc.**, 401 Meadow St, Cheswick, PA 15024-0275. License No. PA-HC 0015. Effective Jun 05, 2017.

**Curtis Bay Energy, Inc.**, 3200 Hawkins Point Rd, Baltimore, MD 21226. License No. PA-HC 0236. Effective Jun 05, 2017.

*Renewal Applications Received*

**Carlucci Construction Company, Inc.**, 401 Meadow St, Cheswick, PA 15024. License No. PA-HC 0015. Effective Jun 05, 2017.

**Curtis Bay Energy, Inc.**, 3200 Hawkins Point Rd, Baltimore, MD 21226. License No. PA-HC 0236. Effective Jun 01, 2017.

**Med Assure Of Indiana, LLC**, 1013 S Girls School Rd, Indianapolis, IN 46231. License No. PA-HC 0248. Effective Jun 02, 2017.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability Renewal received under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit No. WMGR028SW003. Lindy Paving, Inc.**, 2340 Second Avenue, Pittsburgh, PA 15219. A permit renewal application for continued coverage under general permit WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates from the Homer City Asphalt Plant, 1981 Route 119 Hwy South, Homer City, PA 15748 located in Center Township, **Indiana County**, was received on February 9, 2017 and deemed administratively complete by the Regional Office on May 31, 2017.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412.442.4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Comments concerning the application should be directed to the Waste Management Program Manager, DEP Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Public com-

ments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP14-09-0144: Abby Glen Pet Memorial dba Orchard Hill Memorial Park** (187 Route 94, Lafayette, NJ 07848) On May 30, 2017 for three (3) Six-Cell Animal Crematoriums in Richland Township, **Bucks County**.

**GP9-46-0099: Terra Technical Services, LLC** (600 Brandywine Avenue, Bldg 100, Downingtown, PA 19335) On May 30, 2017 for a diesel-fired internal combustion engine that powers a portable non-metallic processing plant in Cheltenham Township, **Montgomery County**.

**GP3-46-0147: Terra Technical Services, LLC** (600 Brandywine Avenue, Bldg 100, Downingtown, PA 19335) On May 30, 2017 for a portable non-metallic processing plant and water spray dust suppression system in Cheltenham Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**GP1-35-007A: Pennsylvania Department of Public Welfare/Clarks Summit State Hospital** (1451 Hillside Drive, Clarks Summit, PA 18411) on April 17, 2017 to operate two (2) new natural gas/No. 2 oil boilers at their facility in Newton Township, **Lackawanna County**.

**GP11-64-001A: E.R. Linde Construction Corporation** (9 Collan Park, Honesdale, PA 18431) on April 24, 2017 to operate two (2) nonroad engines at their Middle Creek Quarry in Palmyra Township, **Wayne County**.

**GP9-48-019: Ecopax, LLC** (3600 Glover Road, Easton, PA 18040) on May 18, 2017 to install and operate one (1) Diesel I/C engines at their facility in Forks Township, **Northampton County**.

**GP11-58-009: Bluestone Pipeline Co. of PA** (1429 Oliver Road, New Milford, PA 18834) on May 18, 2017 to operate three (3) nonroad engines at their CDP # 5 Compressor Station in Harford Township, **Susquehanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP3-06-03174: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on June 2, 2017, for portable nonmetallic mineral processing equipment, including 3 crushers and 2 screens, under GP3, at the Krumsville road project in Greenwich Township, **Berks County**.



**GP11-06-03174: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on June 2, 2017, for five non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Krumsville road project in Greenwich Township, **Berks County**.

**GP1-01-03003B: Mott's LLP** (45 Aspers North Road, Aspers, PA 17304) on June 2, 2017, for two existing natural gas-fired boilers, each with heat input of 30.4 MMBtu/hr, under GP1, in Menallen Township, **Adams County**. The GP1 authorization was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**GP5-14-330A: ARD Operating, LLC** (33 West Third Street, Suite 300, Williamsport, PA 17701) on May 25, 2017, for the change of ownership and continued operation of one (1) 690 bhp Caterpillar model G3508TA-ULB four-stroke, lean-burn natural-gas-fired compressor engine equipped with an Emit Technologies model ELH-3050Z-1010F-21X20-24 oxidation catalyst, one (1) J.W. Williams 30 MMscf/day dehydration unit with 0.65 MMBtu/hr reboiler, one (1) 16,800-gallon produced water tank, one (1) 1,000-gallon lube oil tank, one (1) 500-gallon waste oil tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Tract 231 Compressor Station located in Boggs Township, **Centre County**.

**GP5-41-626C: ARD Operating, LLC** (33 West Third Street, Suite 300, Williamsport, PA 17701) on May 25, 2017, for the change of ownership and continued operation of four (4) 1,380 bhp Caterpillar model G3516ULB compressor engines each equipped with an oxidation catalyst, two (2) 87 bhp Capstone model G65 Microturbine generators, one (1) 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) J.W. Williams glycol dehydration unit rated at 15 MMscf/day and equipped with a 0.35 MMBtu/hr natural-gas fired reboiler and flash tank, two (2) 87 bhp Capstone model G65 Microturbine generators, two (2) 16,800-gallon produced water tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank and one (1) 500-gallon triethylene glycol tank, one (1) 1,000-gallon waste oil tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the COP Tract 289 Compressor Station in McHenry Township, **Lycoming County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP5-16-145D: Alliance Petroleum Corp** (4150 Belden Village Ave. NW, Suite 410, Canton, OH 44718) on May 18, 2017, for the authority to construct and/or operate a natural gas fired compressor engine (Waukesha F18GL), glycol dehydrator, and associated storage tank(s) (BAQ-GPS/GP5) located at their facility in Porter Township, **Clarion County**.

**GP5-27-032B: Minard Run Oil Co., Salmon Creek Well 1346 Compressor Station** (16 S Ave., P.O. Box 18, Bradford, PA 16701) on May 22, 2017, for the authority to construct and/or operate a natural gas fired compressor

engine (Ajax DPC-360LE), and associated storage tank(s) (BAQ-GPS/GP5) located at their facility in Jenks Township, **Forest County**.

**GP14-33-209A: Furlong Funeral Home** (50 Broad St., Summerville, PA 15864) on May 31, 2017, for the authority to operate one (1) natural gas fired human crematory (BAQ-GPS/GP14) located at their facility in Summerville Borough, **Jefferson County**.

**GP14-43-362B: Robert L. Snyder Funeral Home and Crematory, Inc.** (P.O. Box 195, Sheakleyville, PA 16151) on May 18, 2017, for the authority to construct and/or operate a human or animal crematory (BAQ-GPS/GP14) located at their facility in Sheakleyville Borough, **Mercer County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-0174G: Liberty Coating LLC.** (21 South Steel Road, Morrisville, PA 19067) On May 30, 2017 for an interior and exterior blasting operation with an associated dust collector for their facility located in Falls Township, **Bucks County**.

**15-0133: Immaculata University** (1145 King Road, Immaculata, PA 19345-9903) On May 30, 2017 for a plan approval to modify the operating hour limit for two chiller engines, remove the NESHAP (40 CFR Part 63 Subpart JJJJJJ) conditions for the two boilers which are each rated at 1.12 MMBtu/hr, and remove the RICE NESHAP (40 CFR Part 63 Subpart ZZZZ) conditions from the emergency generator engines at their existing facility in East Whiteland Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**64-00006A: Hanson Aggregates PA LLC** (7660 Imperial Way, Allentown, PA 18195) on April 25, 2017 for replacement of the current baghouse components with new baghouse components at their facility in Lake Township, **Wayne County**.

**13-00008A: KME Corporation** (1 Industrial Complex, Nesquehoning, PA 18204) on May 17, 2017 for the operation of two (2) baghouse dust collectors to control particulate matter (PM) at their facility in Nesquehoning Borough, **Carbon County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03204A: Miller Fiberglass** (590 Gibbons Road, Bird-in-Hand, PA 17505-9786) on May 31, 2017, to authorize an existing gel coat spray booth and an existing hand-applied resin coating area for the custom fiberglass and plastic products manufacturing operation located in Upper Leacock Township, **Lancaster County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-384A: Davis Alloys MFG LLC** (295 E High St. Ext., Sharpsville, PA 16150), on May 18, 2017 issued a Plan Approval to add a control device to the Melt Shop section at your facility in Sharpsville Borough, **Mercer County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**15-0009D: AGC Chemicals American Inc.** (255 S. Bailey Road, Downingtown, PA 19335-2033) On May 25, 2017 for the transition of a pilot plant installed under RFD No 3808 from R & D to production in Caln Township, **Chester County**.

**23-0003Z: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) On May 24, 2017 for minor modification to the Plan Approval for installing three (3) new cooling towers (Source ID 701) in Trainer Borough, **Delaware County**. The minor modification is to incorporate 15.25 tons of VOC emission reduction credits into the plan approval.

**23-0047H: Evonik Corp** (1200 W Front Street, Chester, PA 19013) On May 30, 2017 for the installation of a Silo, a Granulator and associated baghouse as a control device in Chester City, **Chester County**.

**09-0224: WCR Inc.** (2377 Commerce Center Blvd.) On May 30, 2017 for a coating process at an existing location in Bensalem Township, **Bucks County**.

**15-0154 Depuy Synthes** (1303 Goshen Pkwy, West Chester, PA 19380-5936) On June 1, 2017 for the operations of four Vapor Degreasers and a Cold Cleaning Machine for metal cleaning purposes in East Goshen Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-05023A: Bimbo Bakeries USA, Inc.** (640 Park Avenue, Reading, PA 19611-1926) on May 31, 2017, for the installation of a refurbished catalytic oxidizer to replace the current Bread Line catalytic oxidizer at the bakery located in Reading City, **Berks County**. The plan approval was extended.

**67-05004S: P.H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on May 31, 2017, for the construction of two (2) Babcock & Wilcox (B&W), (372.6 and 358.3 MMBtu per hour each), natural gas fired boilers and the installation of a hydrated lime injection system to reduce HCl emissions from Power Boiler No. 5, with associated equipment including, but not limited to, a storage silo and pneumatic conveying system at the P.H.

Glatfelter Co.'s Spring Grove facility located in Spring Grove Borough, **York County**. The plan approval was extended.

**06-03097A: Kore Mart, Limited** (7 Hill Drive, Hamburg, PA 19526) on May 31, 2017, for authorization to restructure the duct work to vent the baghouse control devices for both the foundry sand coating and riser sleeve mixing operation to the outside of the building and to replace the existing scrubber controlling emissions from the cold box core manufacturing operation and vented indoors with a larger scrubber that will be vented to the outside of the building. The facility is located in Tilden Township, **Berks County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**17-00069A: The Pennsylvania State University** (3641 McGeorge Road, Clearfield, PA 16830) on May 25, 2017, extended the authorization an additional 180 days from May 28, 2017 through November 24, 2017, to allow continued operation of the generator engine pending issuance of a state only operating permit. The facility is located in Lawrence Township, **Clearfield County**. The plan approval has been extended.

**41-00001A: Transcontinental Gas Pipe Line Company, LLC.** (PO Box 1396, Houston, TX 77251-1396) on May 23, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 24, 2017 to November 20, 2017, at their Compressor Station 520 located in Mifflin Township, **Lycoming County**. The plan approval has been extended.

**14-00003G: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) on May 23, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 23, 2017 to November 19, 2017, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-368D: Markwest Liberty Bluestone, Bluestone Plant** (1515 Arapahoe St. Tower 1, Suite 1600, Denver, CO 80202) on May 31, 2017, effective May 31, 2017, will issue a plan approval extension for the construction of two (2) 200 MMCF/day capacity cryogenic natural gas processing plants, a deethanizer, fractionator, associated process heaters and storage tanks, and three (3) additional emergency generators along with removing one existing process heater, modify an additional existing process heater, replace the existing flare, remove ten (10) existing natural gas-fired compressor engines, and replace them with electrically driven compression at their facility in **Butler County**. This will expire on November 30, 2017. This is a State Only facility.

**25-053F: Urick Foundry Company** (1501 Cherry Street, Erie, PA 16502) on May 25, 2017, effective May 31, 2017, has issued a plan approval extension for the installation of new foundry equipment capable of producing larger castings. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold



making system, a new pouring/cooling/shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses. This facility is located in the City of Erie, **Erie County**. This will expire on November 30, 2017. This is a State Only facility.

**37-023F: NRG Power Midwest LP—New Castle Plant** (2189 State Route 168 South, West Pittsburgh, PA 16160) on June 1, 2017, effective June 30, 2017, will issue a plan approval extension for the gas addition project for the 3 existing coal fired boilers at their facility in **Lawrence County**. This will expire on December 31, 2017. This is a Title V facility.

**62-017W: United Refining Company** (PO Box 780, Warren, PA 16365) on May 25, 2017, effective May 31, 2017 has issued a plan approval extension for the construction of a new 10MMscfd steam methane reformer (SMR) hydrogen plant at their facility in **Warren County**. This will expire on November 30, 2017. This is a Title V facility.

**62-017X: United Refining Company** (PO Box 780, Warren, PA 16365) on May 25, 2017, effective May 31, 2017, has issued a plan approval extension for installation of a 180 mmBtu/hr capacity natural gas & refinery gas-fired boiler, with flue gas recirculation and low-NO<sub>x</sub> burners at their facility in **Warren County**. This will expire on November 30, 2017. This is a Title V facility.

#### Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**TVOP-04-00490: Dominion Trans Inc** (5000 Dominion Blvd., Glen Allen, VA 23060-3308) Permit Renewal and Modification issued on June 01, 2017, for their Beaver Compressor Station located in North Sewickley Township, **Beaver County**.

#### Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00147: Northtec, LLC** (411 Sinclair Street, Bristol, PA 19007) On May 31, 2017, for the renewal of a State Only Operating Permit for their inorganic pigment manufacturing facility located in Bristol Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**01-03025: New Enterprise Stone & Lime Co., Inc.** (PO Box J, Chambersburg, PA 17201-0809) on June 1, 2017, for the stone crushing operations at the Fairfield Quarry located in Hamiltonban Township, **Adams County**. The State-only permit was renewed.

**21-05040: New Enterprise Stone & Lime Co., Inc.** (PO Box 2009, Chambersburg, PA 17201) on June 1, 2017, for the stone crushing and road asphalt manufacturing operations at the Shippensburg Quarry located in Southampton Township, **Cumberland County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**SOOP-11-00277: Northern Cambria School District** (601 Joseph Street, Northern Cambria, PA 15714-1232) State Only Operating Permit renewal issuance date effective May 31, 2017, for their Northern Cambria Elementary and Secondary Schools located in Northern Cambria Borough, **Cambria County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**25-00891: Corry Contract, Inc.** (21 Maple Avenue, Corry, PA 16407-1630), on May 30, 2017, the Department issued the renewal of the Synthetic Minor Permit to operate a manufacturing facility for metal office furniture and miscellaneous metal parts in the City of Corry, **Erie County**. The emitting sources include liquid and powder coating paint booths, ovens, laser cutters, a boiler, and a degreaser unit. To be Synthetic Minor, the facility has elective restrictions to maintain its emissions of VOC, single HAP, and multiple HAPs less than 49.9 TPY, 9.9 TPY, and 24.9 TPY, respectively. Starting with this permit renewal, the facility is subject to applicable VOC content limits, recordkeeping, and work practices of 25 Pa. Code §§ 129.52a (control of VOC emissions from metal furniture surface coating processes) and 129.52d (control of VOC emissions from miscellaneous metal parts surface coating processes) for surface coating.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

#### Coal Permits Issued

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**03031301 and NPDES No. PA0235563. Bedrock Mines, LP**, (111 Freeport Road, Pittsburgh, PA 15215). To renew the permit for the Keystone East Mine in

Plumcreek Township, **Armstrong County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on June 12, 2014. Application received December 12, 2013. Permit issued May 31, 2017.

**32841303 and NPDES No. PA0001775. Helvetia Coal Company**, (P.O. Box 219, 400 Overview Drive, Shelocta, PA 15774). To renew the NPDES Permit for the Lucerne Mine # 6 in Center and Black Lick Townships, **Indiana County** for water treatment reclamation only. No additional discharges. The application was considered administratively complete on June 3, 2010. Application received April 7, 2010. NPDES Permit issued May 31, 2017.

**30753712 and NPDES No. PA0215724. Emerald Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1-Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES Permit from Emerald Coal Resources, LP. No additional discharges. The application was considered administratively complete on December 12, 2016. Application received September 9, 2016. Permit issued May 31, 2017.

**30010701 and NPDES No. PA0235440. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Cumberland Mine No. 2 Coal Refuse Disposal Facility in Whiteley, Greene and Monongahela Townships, **Greene County** and related NPDES Permit from Cumberland Coal Resources, LP. No additional discharges. The application was considered administratively complete on January 9, 2017. Application received September 9, 2016. Permit issued May 31, 2017.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** and related NPDES Permit for the expansion of the Oak Spring Slope and Supply Yard Pad. Surface Acres Proposed 6.4. No additional discharges. The application was considered administratively complete on May 13, 2015. Application received January 29, 2015. Permit issued May 31, 2017.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES Permit to install 4L-1 and 4L-2 degas boreholes. Surface Acres Proposed 4.5. No additional discharges. The application was considered administratively complete on November 28, 2016. Application received July 20, 2016. Permit issued May 31, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03120101 and NPDES Permit No. PA0252204. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision permit issued for the quarrying of incidental sandstone and shale to an existing bituminous surface mine, located in Freeport Borough, **Armstrong County**, affecting 97 acres. Receiving streams: unnamed tributary to Buffalo Creek and Buffalo Creek. Application received: April 13, 2017. Permit issued: May 31, 2017.

**26090101 and NPDES Permit No. PA0251569. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit renewal issued for con-

tinued mining and reclamation to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 160.7 acres. Receiving stream: Craig Branch. Application received: February 4, 2015. Renewal permit issued: May 31, 2017.

**03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Permit renewal issued for continued mining and reclamation to an existing bituminous surface mine, located in North Buffalo and Cadogan Townships, **Armstrong County**, affecting 72.6 acres. Receiving stream: unnamed tributary to Allegheny River. Application received: March 23, 2015. Renewal permit issued: June 1, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54803019R5 and PA0224995. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 1983), renewal for reclamation activities only of an anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Hegins and Porter Townships, **Schuylkill County** affecting 1,313.0 acres, receiving stream: East Branch Rausch Creek. Application received: November 16, 2015. Renewal issued: May 31, 2017.

#### *Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 6576SM1A2C9 and NPDES Permit No. PA0119229. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: unnamed tributary to McMichael Creek. Application received: August 4, 2014. Renewal issued: May 30, 2017.

**Permit No. 7976SM1C10 and NPDES Permit No. PA0118389. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Warrington Township, **Bucks County**, receiving stream: unnamed tributary to Mill Creek. Application received: September 19, 2014. Renewal issued: May 30, 2017.

**Permit No. 38970301C4 and NPDES Permit No. PA0224448. H & K Group, Inc.**, (P.O. Box 196, Skipack, PA 19474), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Cornwall Borough, **Lebanon County**, receiving stream: unnamed tributary to Snitz Creek. Application received: February 15, 2015. Renewal issued: May 30, 2017.

**Permit No. 40090301C2 and NPDES Permit No. PA0224774. Cedar Rock Materials Corp.**, (208 West 11th Street, Berwick, PA 18603), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Salem Township, **Luzerne County**, receiving stream: Bower Run and unnamed tributary to Susquehanna River. Application received: September 28, 2015. Renewal issued: May 30, 2017.

**Permit No. 6174SM5A2C11 and NPDES Permit No. PA0594423. Meckley's Limestone Products, Inc.**, (P.O. Box 503, Herndon, PA 17830), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Lower Mahanoy Township, **Northumberland County**, receiving stream: Upper Fidlers Run. Application received: October 5, 2015. Renewal issued: May 31, 2017.

**Permit No. 40930301C3 and NPDES Permit No. PA0224472. Meckley's Limestone Products, Inc.**, (P.O.



Box 503, Herndon, PA 17830), renewal of an NPDES Permit for discharge of mine drainage from a quarry operation in Hazle Township, **Luzerne County**, receiving stream: Black Creek and Hazle Creek. Application received: October 5, 2015. Renewal issued: May 31, 2017.

**Permit No. 5176SM7T2 and GP104 No. PAM111021. Natstone, LLC dba Rock Ridge Stone**, (631 SR 1039, Montrose, PA 18801), transfer of an existing quarry operation in Bridgewater Township, **Susquehanna County** affecting 23.6 acres, receiving stream: Snake Creek. Application received: March 7, 2016. Transfer issued: June 2, 2017.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08174102. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for well pad on SGL 12 Unit K located in Leroy Township, **Bradford County** with an expiration date of May 22, 2018. Permit received: June 1, 2017.

**08174103. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for well pad on SGL 12 Unit C located in Leroy Township, **Bradford County** with an expiration date of May 22, 2018. Permit received: June 1, 2017.

**41174001. Pennsylvania General Energy Co., LLC** (120 Market Street, Warren, PA 16365). Blasting for well pad on Track 726 Pad B located in Plunketts Creek Township, **Lycoming County** with an expiration date of June 30, 2018. Permit received: May 30, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 09174105. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Chalfont View in Chalfont Borough, **Bucks County** with an expiration date of May 31, 2018. Permit issued: June 1, 2017.

**Permit No. 23174103. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Swarthmore College in Swarthmore Borough, **Delaware County** with an expiration date of May 25, 2018. Permit issued: June 1, 2017.

**Permit No. 35174102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Matt Thomas foundation in Benton Township, **Lackawanna County** with an expiration date of May 31, 2018. Permit issued: June 1, 2017.

**Permit No. 36174116. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eli Glick manure pit in Providence Township, **Lancaster County** with an expiration date of August 30, 2017. Permit issued: June 1, 2017.

**Permit No. 36174117. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blast-

ing for Willow Street Crossings in West Lampeter Township with an expiration date of May 30, 2018. Permit issued: June 1, 2017.

**Permit No. 36174118. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Shoppes at Belmont in Manheim Township, **Lancaster County** with an expiration date of May 25, 2018. Permit issued: June 1, 2017.

**Permit No. 36174119. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Bishop Woods in West Donegal Township, **Lancaster County** with an expiration date of May 25, 2018. Permit issued: June 1, 2017.

**Permit No. 4617108. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Zavitsanos Tract Phase 1B in New Hanover Township, **Montgomery County** with an expiration date of May 19, 2018. Permit issued: June 1, 2017.

**Permit No. 64174103. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Orion Pipeline in Berlin, Palmyra and Texas Townships, **Wayne County** with an expiration date of May 12, 2018. Permit issued: June 1, 2017.

**Permit No. 67174104. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Orchard Business Park in East Manchester Township, **York County** with an expiration date of May 12, 2018. Permit issued: June 1, 2017.

**Permit No. 46174109. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lincoln Woods in Franconia Township, **Montgomery County** with an expiration date of May 25, 2018. Permit issued: June 5, 2017.

**Permit No. 58174114. DW Drilling & Blasting**, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Tsourous A gas well and tank farm in Bridgewater Township, **Susquehanna County** with an expiration date of May 30, 2018. Permit issued: June 5, 2017.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropri-

ate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E67-924: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Lower Windsor & Windsor Townships, **York County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and 1) to construct and maintain a 42.0-foot long by 53.0-foot wide prestressed concrete spread box beam bridge with an underclearance of approximately 10.5 feet across Kreutz Creek (WWF, MF), 2) to relocate 28 linear feet of an unnamed tributary to Kreutz Creek (WWF, MF) to accommodate the new bridge structure, and 3) to impact 0.05 acre of floodway of Kreutz Creek (WWF, MF), all for the purpose of replacing the existing structurally deficient bridge and improve roadway safety standards along SR 0124 in Lower Windsor Township and Windsor Township, York County (USGS Quadrangle: Red Lion, PA; Latitude: 39° 56' 23"; Longitude: -76° 29' 12").

**E06-705: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Cumru Township, **Berks County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing bridge structure and to construct and maintain a 50.1 foot long, 26.0 foot wide concrete box culvert with baffles, depressed below the existing stream bed elevation, and place R-6 riprap scour protection, depressed to match the existing stream bed elevation and choked with native stream bed material, in Angelica Creek (CWF, MF) and its associated floodway and floodplain and temporarily impact 0.03 acre of Exceptional Value Palustrine Forested wetland (Latitude 40°17'27", Longitude -75°56'48") for the purpose of replacing a structurally deficient bridge as part of the Public Private Partnership (P3) Rapid Bridge Replacement Program. The project is located along S.R. 0625 (New Holland Road) in Cumru Township, Berks County.

**E67-928: Pennsylvania Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Dover and West Manchester Township, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to (1) install and maintain a 132.0 ft. × 59.4 ft. two-span prestressed concrete bulb-tee bridge on the existing alignment over Little Conewago Creek (TSF, MF), (2) place R-6 riprap around the pier and R-8 riprap around the abutments for scour protection, (3) place R-4 riprap for bank stabilization within the floodway of Little Conewago Creek (TSF, MF), (4) install two temporary stormwater outfalls and two permanent stormwater outfalls and replace four stormwater pipes within the floodplain of Little Conewago Creek (TSF, MF), and (5) install a temporary rock causeway within the floodway of Little Conewago Creek (TSF, MF), all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0074 Section 056 in Dover and West Manchester Townships, York County (Latitude: 39° 58' 50.4" N, Longitude: 76° 48' 24.5" W). The project proposes 78 linear ft. (0.04 ac.) of temporary impacts and 65 linear ft. (0.15 ac.) of permanent impacts to Little Conewago Creek. The project also proposes 0.11 ac. of temporary impacts and 0.12 ac. of permanent impacts to the floodway of Little Conewago Creek. The amount of wetland impact is considered a de minimus impact of 0.01 acre and compensatory wetland mitigation is not required.

**E28-389: Chambersburg Borough C/O Jeffrey Stonehill**, 100 South Second Street, Chambersburg, PA 17201 in Chambersburg Borough, **Franklin County**, U.S. Army Corps of Engineers, Baltimore District.

To: 1) abandon 2,200 lineal feet of 24-inch diameter sanitary sewer pipe and associated manholes in the floodway and floodplain of the Conococheague Creek (WWF, MF) and 2) install and maintain 860 lineal feet of 24 inch diameter sanitary sewer pipe with manholes in the floodway and floodplain of the Conococheague Creek (WWF, MF). No wetlands will be impacted by these activities.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

**E04-354, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, Third Floor, Pittsburgh, PA 15275, Hopewell Township, **Beaver County**, Pittsburgh ACOE District.

Has been given consent to:

1. To remove an existing single span, concrete bridge, and construct and maintain a replacement single span-concrete box culvert with a length of 133 LF and a width of 16 LF over Tramp Mill Run (WWF) (aka Stream 1),

2. Fill and relocate 56 LF of an Unnamed Tributary to Tramp Mill Run (aka Stream 2) under S.R. 3009 through an 18 inch concrete culvert

For the purpose of replacing a structurally deficient bridge. The project will cumulatively result in 190 linear feet of temporary impact and 189 linear feet of permanent impact stream impacts to Tramp Mill Run and a UNT to Tramp Mill Run. As mitigation for the permanent impacts, the stream channel will be reconstructed on site. The project is located near the intersection of SR 3009 (Kane Road) and Airport Road (Quadrangle: Aliquippa;



Latitude: 40° 35' 39.9"; Longitude: -80° 16' 47.9"); in Hopewell Township, Beaver County.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-502, Future Development Group, L.P.**, 1272 Mars Evans City Road, Evans City, PA 16033. Brookview Farms Residential Development, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 46', 29"; W: 80°, 07', 11").

Conduct the following activities resulting in total permanent impact to 192 feet of two tributaries to Glade Run and 0.19 acre of wetland and temporary impact to 0.03 acre of wetland associated with construction of Brookview Farms, a 78 lot residential development along Tollgate School Road (Evans City, PA Quadrangle N: 40°, 46', 29"; W: 80°, 07', 11") in Jackson Township, Butler County:

1. Construct and maintain a 48 foot long open bottom aluminum plate box arch culvert having a span of 20 feet, 7 inches and an underclearance of 5 feet 3 inches in a tributary to Glade Run impacting 0.19 acre of adjacent wetlands with seven 24-inch diameter culverts ranging from 76 feet to 88 feet in length through the roadway embankment to maintain wetland hydrology on an access roadway extending south from Tollgate School Road.

2. Install and maintain water, sanitary sewer, gas, electric, cable, and telephone lines within the roadway embankment across a tributary to Glade Run extending south from Tollgate School Road.

3. Construct and maintain a 30-foot long, 30-inch diameter culvert in a tributary to Glade Run having a contributory drainage area of less than 100 acres providing access to two residential lots.

4. To install and maintain water, sanitary sewer, gas, electric, cable, and telephone lines within the embankment of the roadway across a tributary to Glade Run having a contributory drainage area of less than 100 acres providing access to two residential lots.

5. Temporary impact to 0.03 acre of wetland associated with installation of a water line along Tollgate School Road.

Project includes creation of 0.32 acre of wetland on-site as mitigation for project impacts.

**E20-600, John Hudson**, 4393 Whippoorwill Drive, Hermitage, PA 16148. Conneaut Lake Wolf Island Access, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 41°, 37', 09.01"; W: 80°, 18', 43.99").

Conduct the following activities associated with the construction of a private residence on a peninsula locally known as Wolf Island on the western side of Conneaut Lake (Conneaut Lake, PA Quadrangle N: 41°, 37', 09.01"; W: 80°, 18', 43.99") in Sadsbury Township, Crawford County:

1. construct and maintain a 1,026-foot long by 18-foot wide timber bridge and buried utility conduits permanently impacting 0.028 acre of wetland and temporarily impacting 0.022 acre of wetland adjacent to Conneaut Lake,

2. to construct a 30-foot long by 42-foot wide boathouse in/over Conneaut Lake along the northern shore of the island,

3. to construct and maintain a 10 ft by 30 ft dock in Conneaut Lake along the eastern shore of the island and,

4. to install approximately 950 linear feet of shoreline protection in the form of sheet piling to be installed along the northern shoreline of the island at the edge of normal pool of Conneaut Lake.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-019. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Allegheny Township, **Butler County**, Pittsburgh ACOE District.

The applicant will backfill an abandoned surface mine, which includes a 0.4-acre non-discharging dangerous impoundment. There are no wetlands on the site due to mine spoil. No mitigation is proposed and none is required. (Hilliards Quadrangle 41° 06' 44" N, 79° 46' 11" W).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX16-003-0004—Miller JR 10602 Well Site Applicant Range Resources Appalachia, LLC  
Contact Karl Matz  
Address 3000 Town Center Boulevard  
City Canonsburg State PA Zip Code 15317-5839  
County Allegheny Township(s) Indiana  
Receiving Stream(s) and Classification(s) UNTs to Deer Creek, UNTs to Long Run, Lower Allegheny River CWF

ESCGP-2 # ESX17-019-0003—Stein Freshwater Impoundment  
Applicant XTO Energy Inc.  
Contact Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086

County Butler Township(s) Franklin  
Receiving Stream(s) and Classification(s) UNT to Mulligan Run (CWF), Mulligan Run (CWF)/Connoquenessing Creek Watershed

ESCGP-2 # ESG17-019-0008—W55 to W73 Pipeline  
Applicant Pine Run Midstream, LLC.  
Contact Mr. Gregg Stewart  
Address 1000 Commerce Drive, Park Place One,  
Suite 100

City Pittsburgh State PA Zip Code 15275  
County Butler Township(s) Jefferson & Clinton  
Receiving Stream(s) and Classification(s) UNTs to Sarver Run/Bufalo Creek Watershed Sarver Run/Bufalo Creek Watershed UNTs to Lardintown Run/Lower Allegheny River Watershed

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-117-17-0018  
Applicant Name Travis Peak Resources LLC  
Contact Person Jack Cochran  
Address 9020 N Capital of Texas Highway, Suite 170  
City, State, Zip Austin, TX 78759  
County Tioga

Township(s) Clymer & Westfield  
Receiving Stream(s) and Classification(s) Crance Brook (CWF)

ESCGP-2 # ESX11-081-0084(03)  
Applicant Name NFG Midstream Trout Run LLC  
Contact Person Duane Wassum  
Address 6363 Main St  
City, State, Zip Williamsville, NY 14221  
County Lycoming  
Township(s) Hepburn & Loyalsock  
Receiving Stream(s) and Classification(s) Mill Ck (WWF);  
UNT to Lycoming Ck (WWF)  
Secondary—Lycoming Ck (EV)

ESCGP-2 # ESG29-081-17-0016  
Applicant Name Anadarko E&P Onshore LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Gamble  
Receiving Stream(s) and Classification(s) W Branch Murray Run (EV)  
Secondary—Murray Run (EV)

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2017 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Artigliere	PO Box 4475 Reading, PA 19606	Testing
Brian Bacchus	125 Twin Oaks Drive Wexford, PA 15090	Testing
Jay Bauder Bauder Basement Systems, Inc.	110 South Line Road Ephrata, PA 17522	Mitigation
Thomas Biebel	2820 West 23rd Street Erie, PA 16506	Testing
Robert Blanchfield	2830 Stephens Street Easton, PA 18045	Testing
Brian Cousins	110 Rosencranse Road Honesdale, PA 18431	Mitigation
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Laboratory Analysis
Kevin Dunkle	PO Box 211 Worthington, PA 16262	Testing
Housemaster Home Inspections	9125 Marshall Road, Suite B12 Cranberry Township, PA 16066	Testing
Housing Inspection Services, Inc.	PO Box 373 Murrysville, PA 15668	Testing
Brian Joyce	6195 Boxer Drive Bethel Park, PA 15102	Testing
Thomas Kerr	PO Box 126 Johnstown, PA 15907	Testing
Robert Koppenhaver Robert Koppenhaver Builder and Contracting Co.	2743 West Main Street Spring Glen, PA 17978	Mitigation



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gary Lyons Disaster Blaster, Inc.	536 North Main Avenue Scranton, PA 18504	Mitigation
Mark Maglioli	PO Box 82 Luzerne, PA 18709	Testing
Robert Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Mitigation
Timothy Meyers	221 Ironstone Drive Lititz, PA 17543	Testing
Matthew Mielnik	132 Lowry Drive Duncansville, PA 16635	Testing
Joseph Mihalik	8020 Mine Street Fogelsville, PA 18051	Mitigation
Michael Miller	129 Colonial Village Drive Pittsburgh, PA 15235	Testing
Ronald Moraski	112 Larch Drive Milford, PA 18337	Testing
Richard Onega	100 Rylie Drive Harmony, PA 16037	Testing
William Kail	549 McCombs Road Venetia, PA 15367	Mitigation
Greg Petruska	112 Lilac Lane Valencia, PA 16059	Testing
Brendan Ryan	216 Logan Road Valencia, PA 16059	Mitigation
Gary Shawley	PO Box 126 Johnstown, PA 15907	Testing
ValueGuard USA	600 Chestnut Street, Suite 675 Philadelphia, PA 19106	Testing
Darren Verber	8020 Mine Street Fogelsville, PA 18057	Mitigation
Michael Walley	2441 Milwaukee Road Clarks Summit, PA 18411	Testing
Terry Wilver	1015 Green Street Milton, PA 17847	Testing
Jeffrey Zimmerman Gold Star Radon, Inc.	3440 Lehigh Street # 265 Allentown, PA 18103	Mitigation
John Zym	2862 Christian Springs Road Nazareth, PA 18064	Testing

### **Draft NPDES Permit Issued to Brunner Island LLC; Public Hearing**

The Department of Environmental Protection (Department) will hold a public hearing to collect comments from citizens on the draft NPDES permit issued to Brunner Island LLC on April 5, 2017 and was published in the *Pennsylvania Bulletin* on April 22, 2017.

Brunner Island LLC operates the facility located in East Manchester Township, York County in Pennsylvania and discharges treated industrial wastewater and cooling water from a 1,490-Megawatt coal and natural gas fired power plant to the Susquehanna River. On May 5, 2017, Sierra Club and the Environmental Integrity Project requested a public hearing concerning the Brunner Island draft NPDES permit. In their request, Sierra Club and the Environmental Integrity Project cited potential impacts to the Susquehanna River.

The hearing will take place Monday, July 24, 2017 from 6:30 to 8:30 p.m. at the Union Fire Company, 201 York Street, Manchester, PA 17345.

During the hearing, each speaker will have the opportunity to present up to five minutes of verbal testimony. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers will be prohibited, and groups are asked to designate one speaker. All presenters should bring at least one copy of their comments and exhibits for submission to the Department.

Those who wish to present testimony during the hearing are asked to register in advance by contacting John Repetz in the South-Central Regional Office, 717.705.4904, jrepetz@pa.gov. Registration for the hearing will be taken through to the business day prior to the hearing. Individuals will be called to testify in the order they registered. If time permits at the hearing, those who did not register in advance will be given the opportunity to testify.

The Department received written comments on the draft permit during a 30-day comment period after the draft permit was published in the *Pennsylvania Bulletin*.

The comment period ended on May 22, 2017 and the Department is compiling all comments received.

[Pa.B. Doc. No. 17-997. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Bid Opportunity

**OSM 03(6079)101.1, Abandoned Mine Reclamation Project, Greendale North, Valley Township, Armstrong County.** The principal items of work and approximate quantities include: Peoples Natural Gas representative time during gas line crossing work one invoice; subsurface drain with cleanout 175 linear feet; grading 132,500 cubic yards; and seeding 11.5 acres.

This bid issues on June 30, 2017, and bids will be opened on August 1, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-998. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Bid Opportunity

**OSM 04(4460)101.1, Abandoned Mine Reclamation Project, Homewood Southeast, North Sewickley Township, Beaver County.** The principal items of work and approximate quantities include: subsurface drains with cleanouts 1,200 linear feet; grading 136,000 cubic yards; erosion matting 2,230 square yards; rock lining 780 square yards; Greer property drainage conveyance 1 LS; construction of bat gate 85 linear feet; and seeding 18.4 acres.

This bid issues on June 30, 2017, and bids will be opened on August 8, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-999. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Bid Opportunity

**OSM 24(0524)101.1, Abandoned Mine Reclamation Project, Spring Run, Jay Township, Elk County.** The principal items of work and approximate quantities include: grading 110,975 cubic yards; subsurface drains 1,400 linear feet; and seeding 12.2 acres.

This bid issues on June 30, 2017, and bids will be opened on August 3, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1000. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Proposed Infrastructure State Implementation Plan Revision; Clean Air Act Section 110(a)(2)(D)(i)(I) Applicable Requirements for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard; Public Hearing

The Department of Environmental Protection (Department) is proposing to revise the Commonwealth's State Implementation Plan (SIP) to address the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) (42 U.S.C.A. § 7410(a)(1) and (2)) for the 2012 Annual Fine Particulate Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). Section 110(a)(1) and (2) of the CAA directs each state to develop and submit to the United States Environmental Protection Agency (EPA) a plan that provides for the implementation, maintenance and enforcement of the NAAQS, including the 2012 annual PM<sub>2.5</sub> NAAQS. This type of SIP revision is commonly referred to as an infrastructure SIP.

On July 15, 2014, the Commonwealth submitted an infrastructure SIP revision to the EPA for the 2012 PM<sub>2.5</sub> NAAQS. The submittal addressed requirements in section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E)—(H) and (J)—(M) of the CAA and was approved by the EPA. See 80 FR 26461 (May 8, 2015). The Department did not address section 110(a)(2)(D)(i)(I) of the CAA, dealing with interstate transport, in its July 15, 2014, SIP revision. On March 17, 2016, the EPA released guidance entitled "Information on the Interstate Transport 'Good Neighbor' Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)." Therefore, this infrastructure SIP revision addresses the Prong 1 (significant contribution) and Prong 2 (interference with maintenance) requirements in section 110(a)(2)(D)(i)(I) of the CAA for the 2012 annual PM<sub>2.5</sub> NAAQS.

The Department is seeking public comment on the proposed CAA Section 110(a)(2)(D)(i)(I) infrastructure SIP revision for the 2012 PM<sub>2.5</sub> NAAQS. The proposed SIP

revision is available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department will hold three public hearings, if requested, to receive comments on the proposal. The hearings will be held concurrently at 10 a.m. on July 18, 2017, at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA; Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA; and Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

Persons wishing to present testimony should contact Roma Monteiro, P.O. Box 8468, Harrisburg, PA 17105 at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov) to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments at the hearing.

If no person has expressed an interest in testifying at the hearings before July 17, 2017, the hearings will be cancelled. The Department will provide public notice on the Bureau of Air Quality webpage at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx) if any of the hearings are cancelled. Persons may also contact the Department to find out if any of the hearings are cancelled by contacting Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov).

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than July 20, 2017. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Infrastructure SIP for PM<sub>2.5</sub>" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1001. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Proposed State Implementation Plan Revision; Base Year Inventory for the Lebanon County Nonattainment Area for the 2012 Annual PM<sub>2.5</sub> Fine Particulate Matter National Ambient Air Quality Standard; Public Hearing**

On January 15, 2015, the United States Environmental Protection Agency (EPA) designated Lebanon County as a moderate nonattainment area for the 2012 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS), effective April 15, 2015. See 80 FR 2206 (January 15, 2015). As required by section 188(a)(2)(B) of the Clean Air Act (CAA) (42 U.S.C.A. § 7513(a)(2)(B)), a revision to the State Implementation Plan (SIP) demonstrating attainment of the 2012 annual PM<sub>2.5</sub> NAAQS is due to the EPA no later than 18 months after the area's designation as nonattainment, which in this case was October 15, 2016. Due to significant

improvements in air quality in the Lebanon County area, however, this nonattainment area now meets the 2012 annual PM<sub>2.5</sub> NAAQS based on 2014–2016 quality assured, quality controlled and certified ambient monitoring data.

On May 17, 2017, the Department of Environmental Protection (Department) submitted a letter to the EPA certifying that the 2016 monitoring data, including that for Lebanon County, are quality controlled/quality assured. The Department expects that the EPA will issue a final rule indicating that the Lebanon County area is monitoring attainment of the 2012 annual PM<sub>2.5</sub> NAAQS, also known as a Clean Data Determination. The issuance of a Clean Data Determination by the EPA will suspend certain planning requirements so long as the area continues to attain the 2012 annual PM<sub>2.5</sub> NAAQS, including the attainment demonstration, reasonably available control measures, a reasonable further progress plan and contingency measures. The Clean Data Determination does not suspend the base year emissions inventory requirement in section 172(c)(3) of the CAA (42 U.S.C.A. § 7502(c)(3)). In anticipation of the EPA's rule, the Department has prepared the proposed base year inventory SIP revision for the Lebanon County nonattainment area.

The Department is seeking public comment on a proposed SIP revision containing the 2011 comprehensive base year emissions inventory, as required under section 172(c)(3) of the CAA, for a nonattainment area. The proposed SIP revision is available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department will hold a public hearing, if requested, to receive comments on the proposed SIP revision on July 19, 2017, at 10 a.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Persons wishing to present testimony should contact Roma Monteiro, P.O. Box 8468, Harrisburg, PA 17105 at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov) to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments at the hearing.

If no person has expressed an interest in testifying at the hearing before July 17, 2017, the hearing will be cancelled. The Department will provide public notice on the Bureau of Air Quality webpage at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx) if the hearing is cancelled. Persons may also contact the Department to find out if the hearing is cancelled by contacting Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov).

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Roma Monteiro at (717) 787-9495 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than July 20, 2017. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg,

PA 17105-2063. Use "Lebanon County PM2.5" as the subject line in written communication.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 17-1002. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Requirement to Submit Emission Inventory Data in an Electronic Format

The Department of Environmental Protection (Department) is hereby notifying all owners and operators of air contamination sources subject to the air emission inventory provisions under 25 Pa. Code § 135.3 (relating to reporting) to submit all emission inventories to the Department in an electronic format starting with the 2018 emission reporting year. The Department is specifying

this format change subject to its authority under 25 Pa. Code § 135.4 (relating to report format).

This format change eliminates the need for paper forms and makes the review process more efficient. This change also helps the Department to advance its mission of environmental stewardship and further its continuing efforts to make State government more cost-effective. Case-by-case exceptions will be allowed if an owner or operator can demonstrate to the regional office where the source is located that submitting emission inventories in an electronic format will put an undue burden on that owner or operator.

Questions regarding this notice can be directed to John Krueger, Assistant Director, Bureau of Air Quality at [jkrueger@pa.gov](mailto:jkrueger@pa.gov) or (717) 783-9264.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 17-1003. Filed for public inspection June 16, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

#### Facility Name

Best Impression Surgical Center, LLC  
St. Luke's Ambulatory Surgical Center

#### Regulation

28 Pa. Code § 553.31(a) (relating to administrative responsibilities)  
28 Pa. Code § 553.2 (relating to ownership)  
28 Pa. Code § 553.3(2), (4)—(9) and (11)—(16) (relating to governing body responsibilities)  
28 Pa. Code § 553.31  
28 Pa. Code § 553.4(b) and (e)—(g) (relating to other functions)

The following ASF is requesting exceptions under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* to which the ASF is seeking an exception, as well as the publication year of the applicable *Guidelines*.

Facility Name	Guidelines Section	Relating to	Publication Year
The Center for Specialized Surgery	ASHRAE 170, Table 6.7.2 Supply Air Outlets	Supply air outlet classifications (operating rooms)	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

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**Hospitals; Requests for Exceptions**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Easton Hospital	28 Pa. Code § 101.31(7) (relating to hospital requirements)
Lehigh Valley Hospital	28 Pa. Code § 51.32 (relating to exceptions for innovative programs)
Lehigh Valley Hospital—Muhlenberg	28 Pa. Code § 138.14 (relating to programs and services)
Lehigh Valley Hospital— Schuylkill East Norwegian Street	28 Pa. Code § 103.4(1) (relating to functions) 28 Pa. Code § 107.61 (relating to written orders) 28 Pa. Code § 111.27 (relating to nutritional aspects of patient care)
Lehigh Valley Hospital— Schuylkill South Jackson Street	28 Pa. Code § 107.61 28 Pa. Code § 111.27
Mercy Fitzgerald	28 Pa. Code § 107.61
Mercy Philadelphia Hospital	28 Pa. Code § 107.61

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Aria Health (Bucks County Campus)	2.2-3.4.2.1(1)(b)	Space requirements (CT scanner rooms)	2014
Aria Health (Torresdale Campus)	2.2-3.4.2.1(1)(b)	Space requirements (CT scanner rooms)	2014
CH Hospital of Allentown d/b/a Surgical Specialty Center at Coordinated Health	2.2-3.11.4.1(3)	General (instrument processing rooms)	2014
	2.2-3.11.4.1(4)	General (instrument processing rooms)	2014
	2.2-3.11.6.12	Environmental services rooms	2014
Chester County Hospital	2.1-8.5.3.2	Size (TDRs)	2014
Crozer-Chester Medical Center	2.2-2.13.2.1(1)	Capacity (pediatric and adolescent units)	2014
Geisinger Wyoming Valley Medical Center	2.2-3.4.4.3(4)	Planning the configuration of the MRI suite	2014
	2.2-3.4.4.6(1)	MRI control rooms	2014
	2.2-3.4.4.7	Pre-procedure patient care area or rooms	2014
Heritage Valley Sewickley	2.2-3.4.4.2(2)	MRI scanner room space requirements	2014
Magee-Womens Hospital of UPMC Health System	2.2-3.4.5.2(1)	Space requirements (ultrasound facilities—area)	2014
	2.2-3.4.5.2(1)	Space requirements (ultrasound facilities—clearances)	2014
Pinnacle Health Systems	2.1-7.2.2.5(3)(a)	Windows in patient rooms	2014
	2.1-8.5.3.2	Size (TDRs)	2014
Thomas Jefferson University Hospitals—(Internal Medicine at MHD)	3.1-7.2.2.1	Corridor widths	2014
Thomas Jefferson University Hospitals—(Jefferson Hematology)	3.1-3.2.2.2(1)	Space requirements (area)	2014
	3.1-3.2.2.2(2)	Space requirements (clearances)	2014
	3.1-7.2.2.1	Corridor widths	2014
	3.1-7.2.2.3(2)	Doors and door hardware (door openings)	2014
UPMC McKeesport	2.5-2.2.1	General (psychiatric nursing units)	2014
	2.5-7.2.2.7(1)	Fire sprinklers and other protrusions	2014
	2.5-7.2.2.7(2)	Fire sprinklers and other protrusions	2014
	2.5-7.2.3.3(1)	Ceilings	2014
	2.5-7.2.3.3(1)(b)	Ceilings	2014
UPMC Presbyterian Shadyside	2.1-2.2.5.1(1)	Location (hand-washing station in the patient rooms)	2014

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address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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KAREN M. MURPHY, PhD, RN,  
Secretary

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### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

The Glen at Willow Valley  
675 Willow Valley Square  
Lancaster, PA 17602  
FAC ID # 077902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills):

Sarah Reed Senior Living  
227 West 22nd Street  
Erie, PA 16502  
FAC ID # 710402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Shenango Presbyterian Seniorcare  
283 South Market Street  
New Wilmington, PA 16142-1212  
FAC ID # 191102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

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### Vehicle, Equipment and Supply Requirements for Emergency Medical Agencies

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction and equipment and supply requirements for emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. An EMS agency that is licensed to operate as a quick response service (QRS), basic life support ambulance, intermediate life support ambulance, advanced life support ambulance, critical care ambulance, air ambulance, basic life support squad, intermediate life support squad and advanced life support squad service by the Department under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies) shall maintain and have readily available in working order the vehicle requirements listed in paragraphs A and B, as applicable, and the equipment and supply requirements as indicated in paragraph C.

#### A. Ground Ambulance Requirements

*Ground Ambulances:* QRS/Basic Life Support/Intermediate Life Support/Advanced Life Support/Critical Care Transport/Basic Life Support Squad/Intermediate Life Support Squad/Advanced Life Support Squad

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and Ambulance Manufacturers Division (AMD) Standards in effect at the time of the vehicles manufacture. (Does not apply to a Squad Vehicle.)

2. The ambulance must meet the requirements in 75 Pa.C.S. (relating to Vehicle Code) for vehicle registration, annual safety inspection and liability insurance, and the requirements of all Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.

3. Emblems and markings must be affixed to the ambulance exterior as follows:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to a Squad Vehicle or QRS Vehicle.)

b. The word "EMS SQUAD" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "EMS SQUAD" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to ambulances or QRS Vehicle.)

c. "Star of Life" shall appear on the ambulance in the following sizes and numbers:

\* Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.

\* Two 16" size "Stars of Life" on the right and left side panels.

\* Two 12" size "Stars of Life" on the rear of the vehicle.

\* One 32" size "Star of Life" on the vehicle rooftop.

*Note:* All squad units must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle. (Does not apply to QRS Vehicles.)

d. The Department-issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

e. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45° pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The chevron shall use an alternating color pattern. The vertical panels shall be 8" to 12" wide and at least 24" in height, and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45° and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the EMS agency or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the vehicle. The name must be the dominant lettering. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.

a. The word "Ambulance" or words such as Emergency Medical Services, EMS and Rescue must also appear on both exterior sides and rear of the vehicle. (Does not apply to Squad Vehicle.)

5. The EMS vehicle must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to a Squad Vehicle or QRS Vehicle.)

7. The ambulance must have a dual battery system. (Does not apply to Squad Vehicle or QRS Vehicle.)

8. The ambulance must have two minimum 5-pound unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached. (Squad and QRS Vehicles are only required to have one.)

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas and well maintained. (Does not apply to a Squad Vehicle or QRS Vehicle.)

11. The ambulance must have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to a Squad Vehicle or QRS Vehicle.)

13. The ambulance must have storage cabinets with sliding doors or with latches, or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to a Squad Vehicle or QRS Vehicle.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on a Squad Vehicle or QRS must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

16. The ambulance must have a litter for transporting a patient and at least five patient restraint straps (which includes a minimum of two shoulder restraint straps) in good operating condition that are secured to the litter. (Does not apply to a Squad Vehicle or QRS Vehicle.)

17. The ambulance must have a stair chair designed for patient extrication.

18. The ambulance must have a pediatric safe transport device. (Does not apply to a Squad Vehicle or QRS Vehicle.)

19. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

20. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and the patient compartment. A Squad and QRS Vehicle is required to have these signs in the driver compartment.

21. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard. Must be capable of maintaining patient compartment temperature of 68°F to 78°F.

22. Required equipment and supplies shall be carried and readily available in working order and maintained in accordance with manufactures recommended/required operating standards.

23. The EMS vehicle must have current vehicle inspection validation issued by the state where the vehicle is registered.

24. The EMS vehicle must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the agency response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

25. The ambulance must have an installed, onboard oxygen system with the following: (Does not apply to a Squad Vehicle or QRS Vehicle.)

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable. Critical Care Transport ambulance must have onboard oxygen system with a capacity of a minimum of 6,800 liters.

b. The cylinder must have more than 500 liters of oxygen at all times and be secured with at least three metal or nylon brackets while in the compartment. (Critical Care Transport ambulance must have more than 1,750 liters of oxygen at all times.)

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0—25 lpm delivery.

26. The ambulance must have an installed onboard suctioning system with the following components and/or capabilities: (Does not apply to Squad Vehicle.)

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

#### **B. Air (Rotorcraft) Ambulance Requirements**

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 60°—85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A physical barrier between the pilot, throttle, flight controls and radios and the patient(s).

9. Patient litter with manufacture approved straps.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least one headsets per crew member with built in communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B:C securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. Must have a pediatric safe transport device.

16. An onboard oxygen system with the following:

a. Cylinders with a capacity of 1,200 liters.

b. The cylinders must have at least 1,650 psi at the time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.

d. A flow meter with a range of 0—25 lpm delivery.

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec	X	X	X	X	X	X	X	X	X
<i>Suction catheters, pharyngeal: (Must be sterile) Size is FR</i>									
Rigid (2)	X	X	X	X	X	X	X	X	X
Flexible 6 and 8 (1 each)		X	X	X	X	X	X	X	X
Flexible 10 or 12 (2)		X	X	X	X	X	X	X	X
Flexible 14 or 16 (2)		X	X	X	X	X	X	X	X
<i>Airways:</i>									



<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Nasopharyngeal (5 different sizes) Size 16, Size 24, Size 26, Size 32, Size 34 (1 of each)	X	X	X	X	X	X	X	X	X
Oropharyngeal (6 different sizes) Size 0, Size 1, Size 2, Size 3, Size 4, Size 5 (1 of each)	X	X	X	X	X	X	X	X	X
<i>Sphygmomanometer:</i>									
Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X	X	X	X	X	X
Stethoscope (1) Adult and (1) Pediatric	X	X	X	X	X	X	X	X	X
Stethoscope Doppler (1)								X	X
Penlight (1)	X	X	X	X	X	X	X	X	X
<i>Portable Oxygen Unit:</i>									
Cylinder capacity of at least 300 Liters (D Size), with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi	X	X	X	X	X	X	X		X
Nonsparking wrench/tank opening device	X	X	X	X	X	X	X	X	X
Gauge/flow meter not gravity dependent and can deliver 0—25 liter per minute	X	X	X	X	X	X	X	X	X
Full spare cylinder with at least 300-liter capacity	X	X	X	X	X	X	X		X
Cylinders must be secured in the vehicle at all times	X	X	X	X	X	X	X	X	X
Folding Litter/Collapsible Device (1)		X		X		X		X	
<i>Oxygen Delivery Devices:</i>									
Nasal Cannulas adult/pediatric 1 each	X	X	X	X	X	X	X	X	X
High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each	X	X	X	X	X	X	X	X	X
Humidifier bottle (1)		X		X		X		X	
Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic	X	X	X	X	X	X	X	X	X
<i>Dressings:</i>									
Multitrauma (10 × 30) (4)	X	X	X	X	X	X	X	X	X
Occlusive (3 × 4) (4)	X	X	X	X	X	X	X	X	X
Sterile Gauze Pads (4 × 4) (25)	X	X	X	X	X	X	X	X	X
Soft self-adhering (6 rolls)	X	X	X	X	X	X	X	X	X
Bandage Shears (1)	X	X	X	X	X	X	X	X	X
<i>Immobilization Devices:</i>									
Cervical spine device (1)		X		X		X		X	
Long spine board (1)		X		X		X		X	
Short spine board (1)		X		X		X		X	
Rigid/Semi-rigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)		X	X	X	X	X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
<i>Bag-Valve-Mask Devices:</i>									
Hand operated infant/pediatric (450—700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks to include neonatal, infant and child sizes	X	X	X	X	X	X	X	X	X
Pediatric length-based Drug Dosing/Equipment Sizing Tape, most current version available				X	X	X	X	X	X
Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)		X		X		X		X	
<i>Splinting Devices:</i>									
Lower extremity mechanical traction splint adult and pediatric (1 each or combination)		X		X		X		X	
Upper and Lower extremity splints (2 each)		X		X		X		X	
Sterile Water/Normal Saline (2 liters)		X	X	X	X	X	X	X	X
Sterile Burn Sheet (4' by 4') (2)	X	X	X	X	X	X	X	X	X
Cold Packs, Chemical (4)		X	X	X	X	X	X	X	X
Heat Packs, Chemical (4)		X	X	X	X	X	X	X	X
Triangular Bandages (8)	X	X	X	X	X	X	X	X	
Sterile OB Kits (2) (AIR 1)		X	X	X	X	X	X	X	X
Separate Bulb Syringe (1) Sterile		X	X	X	X	X	X	X	X
Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns		X	X	X	X	X	X	X	X
Blankets (2)	X	X	X	X	X	X	X	X	
Sheets (4)		X		X		X		X	
Pillowcases (2)		X		X		X		X	
Pillow (1)		X		X		X		X	
Towels (4)		X		X		X		X	
Appropriate patient coverings capable of maintaining body temperature based on anticipated weather conditions									X
Disposable Tissues (1 box)		X		X		X		X	
Emesis Container (1)		X		X		X		X	
Urinal (1)		X		X		X		X	
Bed Pan (1)		X		X		X		X	
Disposable Paper Drinking Cups (3 oz.) (4)		X		X		X		X	
Regional Approved Triage Tags (20)	X	X	X	X	X	X	X	X	
Hand-lights (2)	X	X	X	X	X	X	X	X	
Hazard Warning Device (3)		X	X	X	X	X	X	X	
Emergency BLS/ALS Jump Kit (1)	X	X	X	X	X	X	X	X	
Survival Bag (1)									X
Emergency Response Guidebook (1) Current Ed.	X	X	X	X	X	X	X	X	

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Thermometer—electronic digital, nontympanic		X	X	X	X	X	X	X	X
Sharps Receptacle—Secured		X		X		X		X	
Instant Glucose (40% dextrose-d-glucose gel) or food grade substitute (for example, cake frosting) 45 grams		X	X	X	X	X	X	X	X
Personal Protective Equipment (PPE) Helmet, eye protection, gloves and high-visibility safety apparel (1 per crew member)	X	X	X	X	X	X	X	X	
Flight Helmet (1 per crew member) W/Comm.									X
<i>Personal Infection Control Kit, which includes the following:</i>									
Eye protection, clear, disposable (1 per crew member)	X	X	X	X	X	X	X	X	X
Gown/coat (1 per crew member)	X	X	X	X	X	X	X	X	X
Surgical Cap/Foot Coverings, disposable (1 set per crew member)	X	X	X	X	X	X	X	X	X
Exam Gloves (1 set per crew member)	X	X	X	X	X	X	X	X	X
Sharps Containers and Red Bags per Infectious Control Plan	X	X	X	X	X	X	X	X	X
N95 respirator (1 per crew member)	X	X	X	X	X	X	X	X	X
Hand Disinfectant—Nonwater hand disinfectant (1 container)	X	X	X	X	X	X	X	X	X
Sponges, Alcohol, Prep (10)				X	X	X	X	X	X
<i>Endotracheal Tubes Sizes/Quantities:</i>									
2.5 mm or 3.0 mm (2 uncuffed)						X	X	X	X
3.5 mm or 4.0 mm (2 uncuffed)						X	X	X	X
4.5 mm or 5.0 mm (2)						X	X	X	X
5.5 mm or 6.0 mm (2)						X	X	X	X
6.5 mm or 7.0 mm (2)						X	X	X	X
7.5 mm or 8.0 mm (2)						X	X	X	X
8.5 mm or 9.0 mm (2)						X	X	X	X
(3) King LT™ Size 3, 4 and 5 or (3) i-gel® Size 2, 3 and 4 or (2) Combitubes™ Size 37 Fr and 41 Fr				X	X	X	X	X	X
Electronic Wave-Form Capnography				X	X	X	X	X	X
Laryngoscope handle with batteries and spare batteries and bulbs and the following blades:						X	X	X	X
<i>Straight</i>									
# 1 (S)						X	X	X	X
# 2 (M)						X	X	X	X
# 3 (L)						X	X	X	X
<i>Curved</i>									
# 3						X	X	X	X
# 4						X	X	X	X

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Lubrication (2 cc or larger tubes) sterile water soluble (2)	X	X	X	X	X	X	X	X	X
Forceps, Magill (adult/pediatric 1 each)						X	X	X	X
<i>Medication and Supplies:</i>									
Per Statewide protocols, approved medications that must be kept within expiration dates		X	X	X	X	X	X	X	X
Nebulizer System (1)				X	X	X	X	X	X
<i>Hypodermic needles:</i>									
16—18 gauge (4), 20—22 gauge (4), 23—25 gauge, (4) Total of 12 and each must be individually wrapped and sterile. Two syringes of assorted sizes, including at least one with a 1 mL volume.				X	X	X	X	X	X
<i>Defibrillator/Monitor: (FDA approved)</i>									
(HIGHER THAN IALS ONLY) Battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout, 12 lead electrocardiogram with transmit capabilities and pediatric/adult pads with pacing capabilities						X	X	X	X
<i>12-Lead ECG</i>									
Battery powered, 12 lead electrocardiogram with paper print out and transmit capabilities				X*	X*				
<i>Defibrillator/Monitor Supplies:</i>									
Defibrillator pads, (1) set of adult and (1) set of pediatric, electrodes, (ECG, adult and pediatric sizes 12 each)				X	X	X	X	X	X
Automated External Defibrillator with pads, (1) set of adult. And (1) set of Pedi Pads	X	X	X	X*	X*				
<i>*IALS vehicles must be capable of obtaining and transmitting a 12-lead ECG and have an AED. To meet this requirement the AED and 12-Lead ECG can be met with a single device or by having two separate</i>									
CPAP Ventilation—portable equipment with (2) disposable masks				X	X	X	X	X	X
Stylette, Malleable—adult (1) must be sterile						X	X	X	X
Phlebotomy Equipment (per protocols)						X	X	X	
Pulse Oximetry		X	X	X	X	X	X	X	X
Electronic Glucose Meter (Optional for BLS ambulance and BLS squad as of September 1, 2017)				X	X	X	X	X	X
“IV” fluid Therapy Supplies Catheters over the Needle sized 14, 16, 18, 20, 22 (4 each) and 24 (2)				X	X	X	X	X	X
Micro drip 50—60 drops/ml (2)						X	X	X	X



<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Macro drip 10—20 drops/ml (2)				X	X	X	X	X	X
IV solutions (2,000) ml total per Statewide protocols				X	X	X	X	X	X
Tourniquets for IV (2)				X	X	X	X	X	X
Intraosseous Needle 14—18 gauge (1 of each)						X	X	X	X
Commercial “Tactical” Tourniquet (2)	X	X	X	X	X	X	X	X	X
Copy of most current version of Statewide EMS Protocols	X	X	X	X	X	X	X	X	X
Aspirin, chewable, one small bottle		X	X	X	X	X	X	X	X
Bougie endotracheal tube introducer (1)								X	X
Video capable laryngoscope with appropriate sized blades (1)								X	X
Electronic wave-form capnography, nonintubated patient, capable of wave-form display (1)								X	X
Electronic wave-form capnograph, including gas sampler for intubated patient, capable of wave-form display (1)				X	X	X	X	X	X
Portable transport ventilator which must have the capabilities that include, but are not limited to, controlling rate, volume, FiO <sub>2</sub> , I:E Ratio, PEEP and volume control, pressure control, SIMV and NPPV modes. Device must have both volume and pressure modes and low/high pressure warning alarms (1).								X	X
Portable transport ventilator circuits appropriately sized for patient being transported (2)								X	X
3 1/4" over the needle catheter in 10, 12 or 14 gauge (2)						X	X	X	X
Automated noninvasive blood pressure monitoring device (1)								X	X
Endotracheal cuff pressure manometer (1)								X	X
Invasive pressure monitoring, electronic waveform, two-channel capability (1)								X	X
Portable Doppler (1)								X	X
Pelvic stabilization device (1)								X	X
Blood administration sets only if agency provides or maintains blood products (2)								X	X
Intravenous infusion pumps or one multi-channel unit capable of managing three simultaneous infusions (3)								X	X
Onboard oxygen with a capacity of a minimum of 6,800 liters								X	
Portable oxygen with a capacity of a minimum of 1,800 liters								X	

<i>C. Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Inverter or generator capability of supporting all required equipment electrical needs								X	

All QRS basic life support (BLS), intermediate advanced life support (IALS) and advanced life support (ALS) ambulances services, which also includes air (rotorcraft) agencies that are licensed to operate in this Commonwealth, shall collect, maintain and report accurate and reliable patient data and information for calls of assistance in the format prescribed using electronic forms provided or approved by the Department. An EMS agency shall file the report for any call to which it responds that results in patient care, assessment or refusal of the patient to be assessed. The report shall be made by completing an EMS patient care report and filing it, within 30 days, with the regional EMS council that is assigned responsibilities for the region in which the ambulance is based. It shall contain information specified by the Department. The Department will publish a list of the data elements and the form specifications for the EMS patient care report form in a notice in the *Pennsylvania Bulletin* and on the Department's web site. Electronic reporting shall conform with the requirements published in the *Pennsylvania Bulletin* notice. The Department will maintain a list of software it has determined to satisfy the requirements for electronic reporting.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-1007. Filed for public inspection June 16, 2017, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments to qualifying acute care general hospitals that serve the indigent population of cities in this Commonwealth with an average per capita income significantly below the Statewide average. These payments are intended to provide additional financial support to hospitals that serve an inordinate amount of low-income individuals and Medical Assistance beneficiaries in impoverished areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7763 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$14.494 million (\$6.989 million in State general funds and \$7.505 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1153. (1) General Fund; (2) Implementing Year 2016-17 is \$6,989,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) Medical Assistance—Fee-for-Service; (8) recommends

adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1008. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments to qualifying Medical Assistance enrolled acute care general hospitals that participate in an academic medical program. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7903 (December 17, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$6.221 million (\$3.000 million in State general funds and \$3.221 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1149. (1) General Fund; (2) Implementing Year 2016-17 is \$3,000,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1009. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals which provide a high volume of inpatient services to MA eligible and low income populations. These payments are intended to promote access to medically necessary inpatient services for MA eligible and low income persons. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7764 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$0.723 million (\$0.349 million in State general funds and \$0.374 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1147. (1) General Fund; (2) Implementing Year 2016-17 is \$349,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918; 2014-15 Program—\$564,772; 2013-14 Program—\$428,041; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1010. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals that provide a high volume of services to MA and low-income populations. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7766 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$1.643 million (\$0.792 million in State general funds and \$0.851 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1154. (1) General Fund; (2) Implementing Year 2016-17 is \$792,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Pro-

gram—\$564,772,000; 2013-14 Program—\$428,041,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1011. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments to Critical Access and Qualifying Rural Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments to qualifying Medical Assistance enrolled critical access hospitals and qualifying rural hospitals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7768 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$21.147 million (\$10.197 million in State general funds and \$10.950 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1151. (1) General Fund; (2) Implementing Year 2016-17 is \$10,197,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$5,676,000; 2014-15 Program—\$3,876,000; 2013-14 Program—\$6,776,000; (7) Medical Assistance—Critical Access Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1012. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments to Qualifying Disproportionate Share Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital payments to qualifying acute care Medical Assistance (MA) hospitals. These payments are intended to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7769 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

*Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$3.733 million (\$1.800 million in State general funds and \$1.933 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1148. (1) General Fund; (2) Implementing Year 2016-17 is \$1,800,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1013. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Disproportionate Share Hospital Payments for Obstetrical and Neonatal Health Services

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital pay-

ments to qualifying Medical Assistance enrolled acute care general hospitals providing obstetrical and neonatal health care services. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7770 (December 10, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

*Fiscal Impact*

The FY 2016-2017 impact as a result of these payments is \$13.856 million (\$6.681 million in State general funds and \$7.175 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1150. (1) General Fund; (2) Implementing Year 2016-17 is \$6,681,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$3,681,000; 2014-15 Program—\$3,681,000; 2013-14 Program—\$6,681,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1014. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Income Limits and Co-payments for the Subsidized Child Care Program

This notice increases the income limits codified in 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale (based on the 2017 Federal Poverty Income Guidelines)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 1, 2017.

Section 3041.107(b) of 55 Pa. Code requires the Department of Human Services to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 1, 2017, the income guidelines for the subsidized child care program are being raised due to increases in the FPIG. Under section 408.3 of the Human Services Code (62 P.S. § 408.3), the co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family co-payment levels according to the family's computed annual income and lists the weekly family co-payment based on the annual family income.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1137. No fiscal impact; (8) recommends adoption.

#### CO-PAYMENT CHART FAMILY CO-PAYMENT SCALE EFFECTIVE MAY 1, 2017 (BASED ON THE 2017 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size: 1 Annual Income		Weekly Co-pay	Family Size: 2 Annual Income		Weekly Co-pay	Family Size: 3 Annual Income	
\$5.00	Less than:	\$10,060	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$10,060.01	\$12,060	\$10.00	\$8,660.01	\$12,240	\$10.00	\$8,660.01	\$14,420
\$15.00	\$12,060.01	\$14,060	\$16.00	\$12,240.01	\$14,240	\$17.00	\$14,420.01	\$16,420
\$20.00	\$14,060.01	\$16,060	\$21.00	\$14,240.01	\$16,240	\$22.00	\$16,420.01	\$18,420
\$25.00	\$16,060.01	\$18,060	\$25.00	\$16,240.01	\$18,140	\$27.00	\$18,420.01	\$20,420
\$30.00	\$18,060.01	\$20,060	\$29.00	\$18,140.01	\$20,140	\$31.00	\$20,420.01	\$22,320
\$35.00	\$20,060.01	\$22,060	\$33.00	\$20,140.01	\$22,140	\$35.00	\$22,320.01	\$24,320
\$40.00	\$22,060.01	\$24,060	\$38.00	\$22,140.01	\$24,140	\$39.00	\$24,320.01	\$26,320
\$45.00	\$24,060.01	\$26,060	\$43.00	\$24,140.01	\$26,140	\$43.00	\$26,320.01	\$28,320
\$50.00	\$26,060.01	\$28,060	\$48.00	\$26,140.01	\$28,140	\$48.00	\$28,320.01	\$30,320
\$55.00	\$28,060.01	\$28,341	\$53.00	\$28,140.01	\$30,140	\$53.00	\$30,320.01	\$32,320
			\$58.00	\$30,140.01	\$32,140	\$58.00	\$32,320.01	\$34,320
			\$64.00	\$32,140.01	\$34,140	\$63.00	\$34,320.01	\$36,320



<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 2 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 3 Annual Income</i>	
			\$70.00	\$34,140.01	\$36,140	\$68.00	\$36,320.01	\$38,320
			\$76.00	\$36,140.01	\$38,164	\$73.00	\$38,320.01	\$40,320
						\$79.00	\$40,320.01	\$42,320
						\$85.00	\$42,320.01	\$44,320
						\$91.00	\$44,320.01	\$46,320
						\$97.00	\$46,320.01	\$47,987
	200% FPIG	\$24,120		200% FPIG	\$32,480		200% FPIG	\$40,840

<i>Weekly Co-pay</i>	<i>Family Size: 4 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 5 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 6 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$16,200	\$10.00	\$8,660.01	\$16,450	\$10.00	\$8,660.01	\$18,180
\$19.00	\$16,200.01	\$18,600	\$19.00	\$16,450.01	\$18,780	\$21.00	\$18,180.01	\$20,180
\$24.00	\$18,600.01	\$20,600	\$23.00	\$18,780.01	\$20,780	\$24.00	\$20,180.01	\$22,960
\$28.00	\$20,600.01	\$22,600	\$27.00	\$20,780.01	\$22,780	\$28.00	\$22,960.01	\$24,960
\$33.00	\$22,600.01	\$24,600	\$31.00	\$22,780.01	\$24,780	\$32.00	\$24,960.01	\$26,960
\$37.00	\$24,600.01	\$26,600	\$35.00	\$24,780.01	\$26,780	\$36.00	\$26,960.01	\$28,960
\$41.00	\$26,600.01	\$28,600	\$40.00	\$26,780.01	\$28,780	\$41.00	\$28,960.01	\$30,960
\$45.00	\$28,600.01	\$30,600	\$44.00	\$28,780.01	\$30,480	\$46.00	\$30,960.01	\$32,960
\$49.00	\$30,600.01	\$32,600	\$47.00	\$30,480.01	\$32,480	\$50.00	\$32,960.01	\$34,960
\$53.00	\$32,600.01	\$34,600	\$51.00	\$32,480.01	\$34,480	\$54.00	\$34,960.01	\$36,960
\$58.00	\$34,600.01	\$36,600	\$55.00	\$34,480.01	\$36,480	\$58.00	\$36,960.01	\$38,960
\$63.00	\$36,600.01	\$38,600	\$59.00	\$36,480.01	\$38,480	\$62.00	\$38,960.01	\$40,960
\$68.00	\$38,600.01	\$40,600	\$63.00	\$38,480.01	\$40,580	\$66.00	\$40,960.01	\$42,960
\$73.00	\$40,600.01	\$42,600	\$68.00	\$40,580.01	\$42,580	\$70.00	\$42,960.01	\$44,960
\$78.00	\$42,600.01	\$44,600	\$73.00	\$42,580.01	\$44,580	\$75.00	\$44,960.01	\$46,960
\$83.00	\$44,600.01	\$46,600	\$78.00	\$44,580.01	\$46,580	\$80.00	\$46,960.01	\$48,960
\$89.00	\$46,600.01	\$48,600	\$83.00	\$46,580.01	\$48,580	\$85.00	\$48,960.01	\$50,960
\$95.00	\$48,600.01	\$50,600	\$88.00	\$48,580.01	\$50,580	\$90.00	\$50,960.01	\$52,960
\$101.00	\$50,600.01	\$52,600	\$93.00	\$50,580.01	\$52,580	\$95.00	\$52,960.01	\$54,960
\$107.00	\$52,600.01	\$54,600	\$98.00	\$52,580.01	\$54,580	\$100.00	\$54,960.01	\$56,960
\$113.00	\$54,600.01	\$56,600	\$103.00	\$54,580.01	\$56,580	\$105.00	\$56,960.01	\$58,960
\$118.00	\$56,600.01	\$57,810	\$109.00	\$56,580.01	\$58,580	\$110.00	\$58,960.01	\$60,960
			\$115.00	\$58,580.01	\$60,580	\$115.00	\$60,960.01	\$62,960
			\$121.00	\$60,580.01	\$62,580	\$121.00	\$62,960.01	\$64,960
			\$127.00	\$62,580.01	\$64,580	\$127.00	\$64,960.01	\$66,960
			\$134.00	\$64,580.01	\$67,633	\$133.00	\$66,960.01	\$68,960
						\$139.00	\$68,960.01	\$70,960
						\$145.00	\$70,960.01	\$72,960
						\$151.00	\$72,960.01	\$74,960
						\$156.00	\$74,960.01	\$77,456
	200% FPIG	\$49,200		200% FPIG	\$57,560		200% FPIG	\$65,920

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$18,140	\$10.00	\$8,660.01	\$19,050	\$10.00	\$8,660.01	\$19,900
\$21.00	\$18,140.01	\$20,720	\$22.00	\$19,050.01	\$22,320	\$23.00	\$19,900.01	\$24,050

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$24.00	\$20,720.01	\$23,140	\$26.00	\$22,320.01	\$24,890	\$28.00	\$24,050.01	\$26,050
\$27.00	\$23,140.01	\$25,140	\$29.00	\$24,890.01	\$27,320	\$31.00	\$26,050.01	\$29,400
\$30.00	\$25,140.01	\$27,140	\$33.00	\$27,320.01	\$29,320	\$35.00	\$29,400.01	\$31,400
\$34.00	\$27,140.01	\$29,140	\$37.00	\$29,320.01	\$31,320	\$39.00	\$31,400.01	\$33,500
\$38.00	\$29,140.01	\$31,140	\$41.00	\$31,320.01	\$33,320	\$43.00	\$33,500.01	\$35,500
\$42.00	\$31,140.01	\$33,140	\$45.00	\$33,320.01	\$35,320	\$47.00	\$35,500.01	\$37,500
\$48.00	\$33,140.01	\$35,140	\$49.00	\$35,320.01	\$37,320	\$51.00	\$37,500.01	\$39,500
\$53.00	\$35,140.01	\$37,140	\$54.00	\$37,320.01	\$39,320	\$55.00	\$39,500.01	\$41,500
\$57.00	\$37,140.01	\$39,000	\$59.00	\$39,320.01	\$41,320	\$60.00	\$41,500.01	\$43,500
\$60.00	\$39,000.01	\$41,000	\$63.00	\$41,320.01	\$43,000	\$65.00	\$43,500.01	\$45,500
\$64.00	\$41,000.01	\$43,000	\$66.00	\$43,000.01	\$45,000	\$69.00	\$45,500.01	\$47,500
\$68.00	\$43,000.01	\$45,000	\$70.00	\$45,000.01	\$47,000	\$73.00	\$47,500.01	\$49,500
\$72.00	\$45,000.01	\$47,000	\$74.00	\$47,000.01	\$49,000	\$77.00	\$49,500.01	\$51,500
\$76.00	\$47,000.01	\$49,000	\$78.00	\$49,000.01	\$51,000	\$81.00	\$51,500.01	\$53,500
\$80.00	\$49,000.01	\$51,000	\$82.00	\$51,000.01	\$53,000	\$85.00	\$53,500.01	\$55,500
\$85.00	\$51,000.01	\$53,000	\$86.00	\$53,000.01	\$55,000	\$89.00	\$55,500.01	\$57,500
\$90.00	\$53,000.01	\$55,000	\$90.00	\$55,000.01	\$57,000	\$93.00	\$57,500.01	\$59,500
\$95.00	\$55,000.01	\$57,000	\$95.00	\$57,000.01	\$59,000	\$97.00	\$59,500.01	\$61,500
\$100.00	\$57,000.01	\$59,000	\$100.00	\$59,000.01	\$61,000	\$101.00	\$61,500.01	\$63,500
\$105.00	\$59,000.01	\$61,000	\$105.00	\$61,000.01	\$63,000	\$106.00	\$63,500.01	\$65,500
\$110.00	\$61,000.01	\$63,000	\$110.00	\$63,000.01	\$65,000	\$111.00	\$65,500.01	\$67,500
\$115.00	\$63,000.01	\$65,000	\$115.00	\$65,000.01	\$67,000	\$116.00	\$67,500.01	\$69,500
\$120.00	\$65,000.01	\$67,000	\$120.00	\$67,000.01	\$69,000	\$121.00	\$69,500.01	\$71,500
\$125.00	\$67,000.01	\$69,000	\$125.00	\$69,000.01	\$71,000	\$126.00	\$71,500.01	\$73,500
\$130.00	\$69,000.01	\$71,000	\$130.00	\$71,000.01	\$73,000	\$131.00	\$73,500.01	\$75,500
\$136.00	\$71,000.01	\$73,000	\$135.00	\$73,000.01	\$75,000	\$136.00	\$75,500.01	\$77,500
\$142.00	\$73,000.01	\$75,000	\$140.00	\$75,000.01	\$77,000	\$141.00	\$77,500.01	\$79,500
\$148.00	\$75,000.01	\$77,000	\$145.00	\$77,000.01	\$79,000	\$146.00	\$79,500.01	\$81,500
\$154.00	\$77,000.01	\$79,000	\$151.00	\$79,000.01	\$81,000	\$151.00	\$81,500.01	\$83,500
\$160.00	\$79,000.01	\$81,000	\$157.00	\$81,000.01	\$83,000	\$156.00	\$83,500.01	\$85,500
\$166.00	\$81,000.01	\$83,000	\$163.00	\$83,000.01	\$85,000	\$161.00	\$85,500.01	\$87,500
\$172.00	\$83,000.01	\$87,279	\$169.00	\$85,000.01	\$87,000	\$167.00	\$87,500.01	\$89,500
			\$175.00	\$87,000.01	\$89,000	\$173.00	\$89,500.01	\$91,500
			\$181.00	\$89,000.01	\$91,000	\$179.00	\$91,500.01	\$93,500
			\$187.00	\$91,000.01	\$93,000	\$185.00	\$93,500.01	\$95,500
			\$193.00	\$93,000.01	\$95,000	\$191.00	\$95,500.01	\$97,500
			\$198.00	\$95,000.01	\$97,102	\$197.00	\$97,500.01	\$99,500
						\$203.00	\$99,500.01	\$101,500
						\$209.00	\$101,500.01	\$103,500
						\$216.00	\$103,500.01	\$106,925
	200% FPIG	\$74,280		200% FPIG	\$82,640		200% FPIG	\$91,000

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$21,650	\$10.00	\$8,660.01	\$22,500	\$10.00	\$8,660.01	\$23,380
\$25.00	\$21,650.01	\$25,980	\$26.00	\$22,500.01	\$25,060	\$27.00	\$23,380.01	\$31,170

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$30.00	\$25,980.01	\$29,380	\$29.00	\$25,060.01	\$28,510	\$36.00	\$31,170.01	\$35,040
\$34.00	\$29,380.01	\$31,580	\$33.00	\$28,510.01	\$30,510	\$41.00	\$35,040.01	\$38,040
\$37.00	\$31,580.01	\$33,680	\$36.00	\$30,510.01	\$33,000	\$45.00	\$38,040.01	\$40,040
\$41.00	\$33,680.01	\$35,680	\$39.00	\$33,000.01	\$35,000	\$49.00	\$40,040.01	\$42,040
\$45.00	\$35,680.01	\$37,680	\$43.00	\$35,000.01	\$37,860	\$53.00	\$42,040.01	\$44,040
\$49.00	\$37,680.01	\$39,680	\$47.00	\$37,860.01	\$39,860	\$57.00	\$44,040.01	\$46,040
\$53.00	\$39,680.01	\$41,680	\$51.00	\$39,860.01	\$41,860	\$61.00	\$46,040.01	\$48,040
\$57.00	\$41,680.01	\$43,680	\$55.00	\$41,860.01	\$43,860	\$65.00	\$48,040.01	\$50,040
\$61.00	\$43,680.01	\$45,680	\$59.00	\$43,860.01	\$45,860	\$69.00	\$50,040.01	\$52,040
\$66.00	\$45,680.01	\$47,680	\$63.00	\$45,860.01	\$47,860	\$73.00	\$52,040.01	\$54,040
\$71.00	\$47,680.01	\$49,680	\$67.00	\$47,860.01	\$49,860	\$78.00	\$54,040.01	\$56,040
\$75.00	\$49,680.01	\$51,480	\$72.00	\$49,860.01	\$51,860	\$83.00	\$56,040.01	\$58,040
\$78.00	\$51,480.01	\$53,480	\$77.00	\$51,860.01	\$53,860	\$88.00	\$58,040.01	\$60,040
\$82.00	\$53,480.01	\$55,480	\$82.00	\$53,860.01	\$55,860	\$92.00	\$60,040.01	\$62,040
\$86.00	\$55,480.01	\$57,480	\$86.00	\$55,860.01	\$57,860	\$96.00	\$62,040.01	\$64,040
\$90.00	\$57,480.01	\$59,480	\$90.00	\$57,860.01	\$59,860	\$100.00	\$64,040.01	\$66,040
\$94.00	\$59,480.01	\$61,480	\$94.00	\$59,860.01	\$61,860	\$104.00	\$66,040.01	\$68,040
\$98.00	\$61,480.01	\$63,480	\$98.00	\$61,860.01	\$63,860	\$108.00	\$68,040.01	\$70,040
\$102.00	\$63,480.01	\$65,480	\$102.00	\$63,860.01	\$65,860	\$112.00	\$70,040.01	\$72,040
\$106.00	\$65,480.01	\$67,480	\$106.00	\$65,860.01	\$67,860	\$116.00	\$72,040.01	\$74,040
\$111.00	\$67,480.01	\$69,480	\$110.00	\$67,860.01	\$69,860	\$120.00	\$74,040.01	\$76,040
\$116.00	\$69,480.01	\$71,480	\$114.00	\$69,860.01	\$71,860	\$124.00	\$76,040.01	\$78,040
\$121.00	\$71,480.01	\$73,480	\$119.00	\$71,860.01	\$73,860	\$128.00	\$78,040.01	\$80,040
\$126.00	\$73,480.01	\$75,480	\$124.00	\$73,860.01	\$75,860	\$133.00	\$80,040.01	\$82,040
\$131.00	\$75,480.01	\$77,480	\$129.00	\$75,860.01	\$77,860	\$138.00	\$82,040.01	\$84,040
\$136.00	\$77,480.01	\$79,480	\$134.00	\$77,860.01	\$79,860	\$143.00	\$84,040.01	\$86,040
\$141.00	\$79,480.01	\$81,480	\$139.00	\$79,860.01	\$81,860	\$148.00	\$86,040.01	\$88,040
\$146.00	\$81,480.01	\$83,480	\$144.00	\$81,860.01	\$83,860	\$153.00	\$88,040.01	\$90,040
\$151.00	\$83,480.01	\$85,480	\$149.00	\$83,860.01	\$85,860	\$158.00	\$90,040.01	\$92,040
\$156.00	\$85,480.01	\$87,480	\$154.00	\$85,860.01	\$87,860	\$163.00	\$92,040.01	\$94,040
\$161.00	\$87,480.01	\$89,480	\$159.00	\$87,860.01	\$89,860	\$168.00	\$94,040.01	\$96,040
\$166.00	\$89,480.01	\$91,480	\$164.00	\$89,860.01	\$91,860	\$173.00	\$96,040.01	\$98,040
\$171.00	\$91,480.01	\$93,480	\$169.00	\$91,860.01	\$93,860	\$178.00	\$98,040.01	\$100,040
\$177.00	\$93,480.01	\$95,480	\$174.00	\$93,860.01	\$95,860	\$183.00	\$100,040.01	\$102,040
\$183.00	\$95,480.01	\$97,480	\$179.00	\$95,860.01	\$97,860	\$188.00	\$102,040.01	\$104,040
\$189.00	\$97,480.01	\$99,480	\$184.00	\$97,860.01	\$99,860	\$193.00	\$104,040.01	\$106,040
\$195.00	\$99,480.01	\$101,480	\$189.00	\$99,860.01	\$101,860	\$198.00	\$106,040.01	\$108,040
\$201.00	\$101,480.01	\$103,480	\$195.00	\$101,860.01	\$103,860	\$203.00	\$108,040.01	\$110,040
\$207.00	\$103,480.01	\$105,480	\$201.00	\$103,860.01	\$105,860	\$209.00	\$110,040.01	\$112,040
\$213.00	\$105,480.01	\$107,480	\$207.00	\$105,860.01	\$107,860	\$215.00	\$112,040.01	\$114,040
\$219.00	\$107,480.01	\$109,480	\$213.00	\$107,860.01	\$109,860	\$221.00	\$114,040.01	\$116,040
\$225.00	\$109,480.01	\$111,480	\$219.00	\$109,860.01	\$111,860	\$227.00	\$116,040.01	\$118,040
\$232.00	\$111,480.01	\$116,748	\$225.00	\$111,860.01	\$113,860	\$233.00	\$118,040.01	\$120,040
			\$231.00	\$113,860.01	\$115,860	\$239.00	\$120,040.01	\$122,040
			\$237.00	\$115,860.01	\$117,860	\$245.00	\$122,040.01	\$124,040
			\$243.00	\$117,860.01	\$119,860	\$251.00	\$124,040.01	\$126,040
			\$249.00	\$119,860.01	\$121,860	\$257.00	\$126,040.01	\$128,040

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
			\$255.00	\$121,860.01	\$123,860	\$263.00	\$128,040.01	\$130,040
			\$261.00	\$123,860.01	\$126,571	\$269.00	\$130,040.01	\$132,040
						\$275.00	\$132,040.01	\$134,040
						\$280.00	\$134,040.01	\$136,394
	200% FPIG	\$99,360		200% FPIG	\$107,720		200% FPIG	\$116,080

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$25,110	\$10.00	\$8,660.01	\$25,110	\$10.00	\$8,660.01	\$29,410
\$29.00	\$25,110.01	\$31,160	\$29.00	\$25,110.01	\$31,150	\$34.00	\$29,410.01	\$37,110
\$36.00	\$31,160.01	\$35,220	\$36.00	\$31,150.01	\$37,000	\$43.00	\$37,110.01	\$39,110
\$41.00	\$35,220.01	\$37,220	\$43.00	\$37,000.01	\$39,400	\$46.00	\$39,110.01	\$41,580
\$44.00	\$37,220.01	\$39,220	\$46.00	\$39,400.01	\$41,400	\$49.00	\$41,580.01	\$43,580
\$47.00	\$39,220.01	\$42,220	\$49.00	\$41,400.01	\$44,400	\$52.00	\$43,580.01	\$46,580
\$51.00	\$42,220.01	\$44,220	\$53.00	\$44,400.01	\$46,400	\$56.00	\$46,580.01	\$48,580
\$55.00	\$44,220.01	\$46,220	\$57.00	\$46,400.01	\$48,400	\$60.00	\$48,580.01	\$50,580
\$59.00	\$46,220.01	\$48,220	\$61.00	\$48,400.01	\$50,400	\$64.00	\$50,580.01	\$52,580
\$63.00	\$48,220.01	\$50,220	\$65.00	\$50,400.01	\$52,400	\$68.00	\$52,580.01	\$54,580
\$67.00	\$50,220.01	\$52,220	\$69.00	\$52,400.01	\$54,400	\$72.00	\$54,580.01	\$56,580
\$71.00	\$52,220.01	\$54,220	\$73.00	\$54,400.01	\$56,400	\$76.00	\$56,580.01	\$58,580
\$75.00	\$54,220.01	\$56,220	\$77.00	\$56,400.01	\$58,400	\$80.00	\$58,580.01	\$60,580
\$79.00	\$56,220.01	\$58,220	\$81.00	\$58,400.01	\$60,400	\$84.00	\$60,580.01	\$62,580
\$84.00	\$58,220.01	\$60,220	\$85.00	\$60,400.01	\$62,400	\$88.00	\$62,580.01	\$64,580
\$89.00	\$60,220.01	\$62,220	\$90.00	\$62,400.01	\$64,400	\$92.00	\$64,580.01	\$66,580
\$94.00	\$62,220.01	\$64,220	\$95.00	\$64,400.01	\$66,400	\$97.00	\$66,580.01	\$68,580
\$98.00	\$64,220.01	\$66,220	\$100.00	\$66,400.01	\$68,400	\$102.00	\$68,580.01	\$70,580
\$102.00	\$66,220.01	\$68,220	\$104.00	\$68,400.01	\$70,400	\$107.00	\$70,580.01	\$72,500
\$106.00	\$68,220.01	\$70,220	\$108.00	\$70,400.01	\$72,400	\$110.00	\$72,500.01	\$74,500
\$110.00	\$70,220.01	\$72,220	\$112.00	\$72,400.01	\$74,400	\$114.00	\$74,500.01	\$76,500
\$114.00	\$72,220.01	\$74,220	\$116.00	\$74,400.01	\$76,400	\$118.00	\$76,500.01	\$78,500
\$118.00	\$74,220.01	\$76,220	\$120.00	\$76,400.01	\$78,400	\$122.00	\$78,500.01	\$80,500
\$122.00	\$76,220.01	\$78,220	\$124.00	\$78,400.01	\$80,400	\$126.00	\$80,500.01	\$82,500
\$126.00	\$78,220.01	\$80,220	\$128.00	\$80,400.01	\$82,400	\$130.00	\$82,500.01	\$84,500
\$130.00	\$80,220.01	\$82,220	\$132.00	\$82,400.01	\$84,400	\$134.00	\$84,500.01	\$86,500
\$134.00	\$82,220.01	\$84,220	\$136.00	\$84,400.01	\$86,400	\$138.00	\$86,500.01	\$88,500
\$138.00	\$84,220.01	\$86,220	\$140.00	\$86,400.01	\$88,400	\$142.00	\$88,500.01	\$90,500
\$143.00	\$86,220.01	\$88,220	\$144.00	\$88,400.01	\$90,400	\$146.00	\$90,500.01	\$92,500
\$148.00	\$88,220.01	\$90,220	\$149.00	\$90,400.01	\$92,400	\$150.00	\$92,500.01	\$94,500
\$153.00	\$90,220.01	\$92,220	\$154.00	\$92,400.01	\$94,400	\$154.00	\$94,500.01	\$96,500
\$158.00	\$92,220.01	\$94,220	\$159.00	\$94,400.01	\$96,400	\$159.00	\$96,500.01	\$98,500
\$163.00	\$94,220.01	\$96,220	\$164.00	\$96,400.01	\$98,400	\$164.00	\$98,500.01	\$100,500
\$168.00	\$96,220.01	\$98,220	\$169.00	\$98,400.01	\$100,400	\$169.00	\$100,500.01	\$102,500
\$173.00	\$98,220.01	\$100,220	\$174.00	\$100,400.01	\$102,400	\$174.00	\$102,500.01	\$104,500
\$178.00	\$100,220.01	\$102,220	\$179.00	\$102,400.01	\$104,400	\$179.00	\$104,500.01	\$106,500
\$183.00	\$102,220.01	\$104,220	\$184.00	\$104,400.01	\$106,400	\$184.00	\$106,500.01	\$108,500
\$188.00	\$104,220.01	\$106,220	\$189.00	\$106,400.01	\$108,400	\$189.00	\$108,500.01	\$110,500



<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$193.00	\$106,220.01	\$108,220	\$194.00	\$108,400.01	\$110,400	\$194.00	\$110,500.01	\$112,500
\$198.00	\$108,220.01	\$110,220	\$199.00	\$110,400.01	\$112,400	\$199.00	\$112,500.01	\$114,500
\$203.00	\$110,220.01	\$112,220	\$204.00	\$112,400.01	\$114,400	\$204.00	\$114,500.01	\$116,500
\$208.00	\$112,220.01	\$114,220	\$209.00	\$114,400.01	\$116,400	\$209.00	\$116,500.01	\$118,500
\$213.00	\$114,220.01	\$116,220	\$214.00	\$116,400.01	\$118,400	\$214.00	\$118,500.01	\$120,500
\$218.00	\$116,220.01	\$118,220	\$219.00	\$118,400.01	\$120,400	\$219.00	\$120,500.01	\$122,500
\$224.00	\$118,220.01	\$120,220	\$224.00	\$120,400.01	\$122,400	\$224.00	\$122,500.01	\$124,500
\$230.00	\$120,220.01	\$122,220	\$229.00	\$122,400.01	\$124,400	\$229.00	\$124,500.01	\$126,500
\$236.00	\$122,220.01	\$124,220	\$235.00	\$124,400.01	\$126,400	\$234.00	\$126,500.01	\$128,500
\$242.00	\$124,220.01	\$126,220	\$241.00	\$126,400.01	\$128,400	\$239.00	\$128,500.01	\$130,500
\$248.00	\$126,220.01	\$128,220	\$247.00	\$128,400.01	\$130,400	\$244.00	\$130,500.01	\$132,500
\$254.00	\$128,220.01	\$130,220	\$253.00	\$130,400.01	\$132,400	\$250.00	\$132,500.01	\$134,500
\$260.00	\$130,220.01	\$132,220	\$259.00	\$132,400.01	\$134,400	\$256.00	\$134,500.01	\$136,500
\$266.00	\$132,220.01	\$134,220	\$265.00	\$134,400.01	\$136,400	\$262.00	\$136,500.01	\$138,500
\$272.00	\$134,220.01	\$136,220	\$271.00	\$136,400.01	\$138,400	\$268.00	\$138,500.01	\$140,500
\$278.00	\$136,220.01	\$138,220	\$277.00	\$138,400.01	\$140,400	\$274.00	\$140,500.01	\$142,500
\$284.00	\$138,220.01	\$140,220	\$283.00	\$140,400.01	\$142,400	\$280.00	\$142,500.01	\$144,500
\$290.00	\$140,220.01	\$142,220	\$289.00	\$142,400.01	\$144,400	\$286.00	\$144,500.01	\$146,500
\$297.00	\$142,220.01	\$146,217	\$295.00	\$144,400.01	\$146,400	\$292.00	\$146,500.01	\$148,500
			\$301.00	\$146,400.01	\$148,400	\$298.00	\$148,500.01	\$150,500
			\$307.00	\$148,400.01	\$150,400	\$304.00	\$150,500.01	\$152,500
			\$314.00	\$150,400.01	\$156,040	\$310.00	\$152,500.01	\$154,500
						\$316.00	\$154,500.01	\$156,500
						\$322.00	\$156,500.01	\$158,500
						\$328.00	\$158,500.01	\$160,500
						\$334.00	\$160,500.01	\$162,500
						\$339.00	\$162,500.01	\$165,863
	200% FPIG	\$124,440		200% FPIG	\$132,800		200% FPIG	\$141,160

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$29,430	\$10.00	\$8,660.01	\$29,430	\$10.00	\$8,660.01	\$30,310
\$34.00	\$29,430.01	\$38,070	\$34.00	\$29,430.01	\$37,000	\$35.00	\$30,310.01	\$38,960
\$44.00	\$38,070.01	\$43,170	\$43.00	\$37,000.01	\$39,540	\$45.00	\$38,960.01	\$48,120
\$50.00	\$43,170.01	\$45,560	\$46.00	\$39,540.01	\$46,940	\$56.00	\$48,120.01	\$50,120
\$53.00	\$45,560.01	\$48,760	\$55.00	\$46,940.01	\$48,940	\$59.00	\$50,120.01	\$52,120
\$57.00	\$48,760.01	\$50,760	\$58.00	\$48,940.01	\$50,940	\$62.00	\$52,120.01	\$55,120
\$61.00	\$50,760.01	\$52,760	\$61.00	\$50,940.01	\$52,940	\$66.00	\$55,120.01	\$57,120
\$65.00	\$52,760.01	\$54,760	\$65.00	\$52,940.01	\$54,940	\$70.00	\$57,120.01	\$59,120
\$69.00	\$54,760.01	\$56,760	\$69.00	\$54,940.01	\$56,940	\$74.00	\$59,120.01	\$61,120
\$73.00	\$56,760.01	\$58,760	\$73.00	\$56,940.01	\$58,940	\$78.00	\$61,120.01	\$63,120
\$77.00	\$58,760.01	\$60,760	\$77.00	\$58,940.01	\$60,940	\$82.00	\$63,120.01	\$65,120
\$81.00	\$60,760.01	\$62,760	\$81.00	\$60,940.01	\$62,940	\$86.00	\$65,120.01	\$67,120
\$85.00	\$62,760.01	\$64,760	\$85.00	\$62,940.01	\$64,940	\$90.00	\$67,120.01	\$69,120
\$89.00	\$64,760.01	\$66,760	\$89.00	\$64,940.01	\$66,940	\$94.00	\$69,120.01	\$71,120
\$93.00	\$66,760.01	\$68,760	\$93.00	\$66,940.01	\$68,940	\$98.00	\$71,120.01	\$73,120

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$98.00	\$68,760.01	\$70,760	\$97.00	\$68,940.01	\$70,940	\$102.00	\$73,120.01	\$75,120
\$103.00	\$70,760.01	\$72,760	\$101.00	\$70,940.01	\$72,940	\$106.00	\$75,120.01	\$77,120
\$108.00	\$72,760.01	\$74,760	\$106.00	\$72,940.01	\$74,940	\$111.00	\$77,120.01	\$79,120
\$113.00	\$74,760.01	\$76,760	\$111.00	\$74,940.01	\$76,940	\$116.00	\$79,120.01	\$81,120
\$117.00	\$76,760.01	\$78,660	\$116.00	\$76,940.01	\$78,940	\$121.00	\$81,120.01	\$83,120
\$120.00	\$78,660.01	\$80,660	\$120.00	\$78,940.01	\$80,940	\$126.00	\$83,120.01	\$84,120
\$124.00	\$80,660.01	\$82,660	\$124.00	\$80,940.01	\$82,940	\$128.00	\$84,120.01	\$86,120
\$128.00	\$82,660.01	\$84,660	\$128.00	\$82,940.01	\$84,940	\$132.00	\$86,120.01	\$88,120
\$132.00	\$84,660.01	\$86,660	\$132.00	\$84,940.01	\$86,940	\$136.00	\$88,120.01	\$90,120
\$136.00	\$86,660.01	\$88,660	\$136.00	\$86,940.01	\$88,940	\$140.00	\$90,120.01	\$92,120
\$140.00	\$88,660.01	\$90,660	\$140.00	\$88,940.01	\$90,940	\$144.00	\$92,120.01	\$94,120
\$144.00	\$90,660.01	\$92,660	\$144.00	\$90,940.01	\$92,940	\$148.00	\$94,120.01	\$96,120
\$148.00	\$92,660.01	\$94,660	\$148.00	\$92,940.01	\$94,940	\$152.00	\$96,120.01	\$98,120
\$152.00	\$94,660.01	\$96,660	\$152.00	\$94,940.01	\$96,940	\$156.00	\$98,120.01	\$100,120
\$156.00	\$96,660.01	\$98,660	\$156.00	\$96,940.01	\$98,940	\$160.00	\$100,120.01	\$102,120
\$160.00	\$98,660.01	\$100,660	\$160.00	\$98,940.01	\$100,940	\$164.00	\$102,120.01	\$104,120
\$164.00	\$100,660.01	\$102,660	\$164.00	\$100,940.01	\$102,940	\$168.00	\$104,120.01	\$106,120
\$169.00	\$102,660.01	\$104,660	\$168.00	\$102,940.01	\$104,940	\$172.00	\$106,120.01	\$108,120
\$174.00	\$104,660.01	\$106,660	\$173.00	\$104,940.01	\$106,940	\$176.00	\$108,120.01	\$110,120
\$179.00	\$106,660.01	\$108,660	\$178.00	\$106,940.01	\$108,940	\$180.00	\$110,120.01	\$112,120
\$184.00	\$108,660.01	\$110,660	\$183.00	\$108,940.01	\$110,940	\$185.00	\$112,120.01	\$114,120
\$189.00	\$110,660.01	\$112,660	\$188.00	\$110,940.01	\$112,940	\$190.00	\$114,120.01	\$116,120
\$194.00	\$112,660.01	\$114,660	\$193.00	\$112,940.01	\$114,940	\$195.00	\$116,120.01	\$118,120
\$199.00	\$114,660.01	\$116,660	\$198.00	\$114,940.01	\$116,940	\$200.00	\$118,120.01	\$120,120
\$204.00	\$116,660.01	\$118,660	\$203.00	\$116,940.01	\$118,940	\$205.00	\$120,120.01	\$122,120
\$209.00	\$118,660.01	\$120,660	\$208.00	\$118,940.01	\$120,940	\$210.00	\$122,120.01	\$124,120
\$214.00	\$120,660.01	\$122,660	\$213.00	\$120,940.01	\$122,940	\$215.00	\$124,120.01	\$126,120
\$219.00	\$122,660.01	\$124,660	\$218.00	\$122,940.01	\$124,940	\$220.00	\$126,120.01	\$128,120
\$224.00	\$124,660.01	\$126,660	\$223.00	\$124,940.01	\$126,940	\$225.00	\$128,120.01	\$130,120
\$229.00	\$126,660.01	\$128,660	\$228.00	\$126,940.01	\$128,940	\$230.00	\$130,120.01	\$132,120
\$234.00	\$128,660.01	\$130,660	\$233.00	\$128,940.01	\$130,940	\$235.00	\$132,120.01	\$134,120
\$239.00	\$130,660.01	\$132,660	\$238.00	\$130,940.01	\$132,940	\$240.00	\$134,120.01	\$136,120
\$244.00	\$132,660.01	\$134,660	\$243.00	\$132,940.01	\$134,940	\$245.00	\$136,120.01	\$138,120
\$249.00	\$134,660.01	\$136,660	\$248.00	\$134,940.01	\$136,940	\$250.00	\$138,120.01	\$140,120
\$254.00	\$136,660.01	\$138,660	\$253.00	\$136,940.01	\$138,940	\$255.00	\$140,120.01	\$142,120
\$259.00	\$138,660.01	\$140,660	\$258.00	\$138,940.01	\$140,940	\$260.00	\$142,120.01	\$144,120
\$264.00	\$140,660.01	\$142,660	\$263.00	\$140,940.01	\$142,940	\$265.00	\$144,120.01	\$146,120
\$270.00	\$142,660.01	\$144,660	\$268.00	\$142,940.01	\$144,940	\$270.00	\$146,120.01	\$148,120
\$276.00	\$144,660.01	\$146,660	\$273.00	\$144,940.01	\$146,940	\$275.00	\$148,120.01	\$150,120
\$282.00	\$146,660.01	\$148,660	\$278.00	\$146,940.01	\$148,940	\$280.00	\$150,120.01	\$152,120
\$288.00	\$148,660.01	\$150,660	\$284.00	\$148,940.01	\$150,940	\$285.00	\$152,120.01	\$154,120
\$294.00	\$150,660.01	\$152,660	\$290.00	\$150,940.01	\$152,940	\$290.00	\$154,120.01	\$156,120
\$300.00	\$152,660.01	\$154,660	\$296.00	\$152,940.01	\$154,940	\$296.00	\$156,120.01	\$158,120
\$306.00	\$154,660.01	\$156,660	\$302.00	\$154,940.01	\$156,940	\$302.00	\$158,120.01	\$160,120
\$312.00	\$156,660.01	\$158,660	\$308.00	\$156,940.01	\$158,940	\$308.00	\$160,120.01	\$162,120
\$318.00	\$158,660.01	\$160,660	\$314.00	\$158,940.01	\$160,940	\$314.00	\$162,120.01	\$164,120
\$324.00	\$160,660.01	\$162,660	\$320.00	\$160,940.01	\$162,940	\$320.00	\$164,120.01	\$166,120

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$330.00	\$162,660.01	\$164,660	\$326.00	\$162,940.01	\$164,940	\$326.00	\$166,120.01	\$168,120
\$336.00	\$164,660.01	\$166,660	\$332.00	\$164,940.01	\$166,940	\$332.00	\$168,120.01	\$170,120
\$342.00	\$166,660.01	\$168,660	\$338.00	\$166,940.01	\$168,940	\$338.00	\$170,120.01	\$172,120
\$348.00	\$168,660.01	\$170,660	\$344.00	\$168,940.01	\$170,940	\$344.00	\$172,120.01	\$174,120
\$355.00	\$170,660.01	\$175,686	\$350.00	\$170,940.01	\$172,940	\$350.00	\$174,120.01	\$176,120
			\$356.00	\$172,940.01	\$174,940	\$356.00	\$176,120.01	\$178,120
			\$362.00	\$174,940.01	\$176,940	\$362.00	\$178,120.01	\$180,120
			\$368.00	\$176,940.01	\$178,940	\$368.00	\$180,120.01	\$182,120
			\$374.00	\$178,940.01	\$185,509	\$374.00	\$182,120.01	\$184,120
						\$380.00	\$184,120.01	\$186,120
						\$386.00	\$186,120.01	\$188,120
						\$392.00	\$188,120.01	\$190,120
						\$397.00	\$190,120.01	\$195,332
	200% FPIG	\$149,520		200% FPIG	\$157,880		200% FPIG	\$166,240

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$30,300	\$10.00	\$8,660.01	\$32,900	\$10.00	\$8,660.01	\$45,890
\$36.00	\$30,300.01	\$41,650	\$38.00	\$32,900.01	\$45,000	\$53.00	\$45,890.01	\$53,660
\$50.00	\$41,650.01	\$47,300	\$52.00	\$45,000.01	\$48,000	\$62.00	\$53,660.01	\$55,360
\$57.00	\$47,300.01	\$49,300	\$56.00	\$48,000.01	\$51,480	\$64.00	\$55,360.01	\$57,660
\$62.00	\$49,300.01	\$51,300	\$64.00	\$51,480.01	\$53,480	\$67.00	\$57,660.01	\$59,660
\$65.00	\$51,300.01	\$53,300	\$68.00	\$53,480.01	\$55,480	\$70.00	\$59,660.01	\$61,660
\$68.00	\$53,300.01	\$55,300	\$71.00	\$55,480.01	\$57,480	\$74.00	\$61,660.01	\$63,660
\$71.00	\$55,300.01	\$57,300	\$75.00	\$57,480.01	\$59,480	\$78.00	\$63,660.01	\$65,660
\$77.00	\$57,300.01	\$59,300	\$80.00	\$59,480.01	\$61,480	\$82.00	\$65,660.01	\$67,660
\$80.00	\$59,300.01	\$61,300	\$85.00	\$61,480.01	\$63,480	\$86.00	\$67,660.01	\$69,660
\$84.00	\$61,300.01	\$63,300	\$89.00	\$63,480.01	\$65,480	\$90.00	\$69,660.01	\$71,660
\$87.00	\$63,300.01	\$65,300	\$92.00	\$65,480.01	\$67,480	\$94.00	\$71,660.01	\$73,660
\$91.00	\$65,300.01	\$67,300	\$96.00	\$67,480.01	\$69,480	\$98.00	\$73,660.01	\$75,660
\$94.00	\$67,300.01	\$69,300	\$99.00	\$69,480.01	\$71,480	\$102.00	\$75,660.01	\$77,660
\$100.00	\$69,300.01	\$71,300	\$103.00	\$71,480.01	\$73,480	\$106.00	\$77,660.01	\$79,660
\$103.00	\$71,300.01	\$73,300	\$106.00	\$73,480.01	\$75,480	\$110.00	\$79,660.01	\$81,660
\$107.00	\$73,300.01	\$75,300	\$110.00	\$75,480.01	\$77,480	\$114.00	\$81,660.01	\$83,660
\$110.00	\$75,300.01	\$77,300	\$113.00	\$77,480.01	\$79,480	\$118.00	\$83,660.01	\$85,660
\$114.00	\$77,300.01	\$79,300	\$117.00	\$79,480.01	\$81,480	\$122.00	\$85,660.01	\$87,660
\$117.00	\$79,300.01	\$81,300	\$120.00	\$81,480.01	\$83,480	\$126.00	\$87,660.01	\$89,660
\$121.00	\$81,300.01	\$83,300	\$124.00	\$83,480.01	\$85,480	\$131.00	\$89,660.01	\$91,660
\$125.00	\$83,300.01	\$85,300	\$127.00	\$85,480.01	\$87,480	\$136.00	\$91,660.01	\$93,660
\$129.00	\$85,300.01	\$87,300	\$131.00	\$87,480.01	\$89,480	\$141.00	\$93,660.01	\$95,660
\$133.00	\$87,300.01	\$89,300	\$135.00	\$89,480.01	\$91,480	\$145.00	\$95,660.01	\$97,660
\$137.00	\$89,300.01	\$91,300	\$139.00	\$91,480.01	\$93,480	\$149.00	\$97,660.01	\$99,660
\$141.00	\$91,300.01	\$93,300	\$143.00	\$93,480.01	\$95,480	\$153.00	\$99,660.01	\$101,660
\$145.00	\$93,300.01	\$95,300	\$147.00	\$95,480.01	\$97,480	\$157.00	\$101,660.01	\$103,660
\$149.00	\$95,300.01	\$97,300	\$151.00	\$97,480.01	\$99,480	\$161.00	\$103,660.01	\$105,660
\$153.00	\$97,300.01	\$99,300	\$155.00	\$99,480.01	\$101,480	\$165.00	\$105,660.01	\$107,660

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$157.00	\$99,300.01	\$101,300	\$159.00	\$101,480.01	\$103,480	\$169.00	\$107,660.01	\$109,660
\$161.00	\$101,300.01	\$103,300	\$163.00	\$103,480.01	\$105,480	\$173.00	\$109,660.01	\$111,660
\$165.00	\$103,300.01	\$105,300	\$167.00	\$105,480.01	\$107,480	\$177.00	\$111,660.01	\$113,660
\$169.00	\$105,300.01	\$107,300	\$171.00	\$107,480.01	\$109,480	\$181.00	\$113,660.01	\$115,660
\$173.00	\$107,300.01	\$109,300	\$175.00	\$109,480.01	\$111,480	\$185.00	\$115,660.01	\$117,660
\$177.00	\$109,300.01	\$111,300	\$179.00	\$111,480.01	\$113,480	\$189.00	\$117,660.01	\$119,660
\$181.00	\$111,300.01	\$113,300	\$183.00	\$113,480.01	\$115,480	\$193.00	\$119,660.01	\$121,660
\$185.00	\$113,300.01	\$115,300	\$187.00	\$115,480.01	\$117,480	\$197.00	\$121,660.01	\$123,660
\$189.00	\$115,300.01	\$117,300	\$191.00	\$117,480.01	\$119,480	\$201.00	\$123,660.01	\$125,660
\$194.00	\$117,300.01	\$119,300	\$195.00	\$119,480.01	\$121,480	\$205.00	\$125,660.01	\$127,660
\$199.00	\$119,300.01	\$121,300	\$199.00	\$121,480.01	\$123,480	\$210.00	\$127,660.01	\$129,660
\$204.00	\$121,300.01	\$123,300	\$204.00	\$123,480.01	\$125,480	\$215.00	\$129,660.01	\$131,660
\$209.00	\$123,300.01	\$125,300	\$209.00	\$125,480.01	\$127,480	\$220.00	\$131,660.01	\$133,660
\$214.00	\$125,300.01	\$127,300	\$214.00	\$127,480.01	\$129,480	\$225.00	\$133,660.01	\$135,660
\$219.00	\$127,300.01	\$129,300	\$219.00	\$129,480.01	\$131,480	\$230.00	\$135,660.01	\$137,660
\$224.00	\$129,300.01	\$131,300	\$224.00	\$131,480.01	\$133,480	\$235.00	\$137,660.01	\$139,660
\$229.00	\$131,300.01	\$133,300	\$229.00	\$133,480.01	\$135,480	\$240.00	\$139,660.01	\$141,660
\$234.00	\$133,300.01	\$135,300	\$234.00	\$135,480.01	\$137,480	\$245.00	\$141,660.01	\$143,660
\$239.00	\$135,300.01	\$137,300	\$239.00	\$137,480.01	\$139,480	\$250.00	\$143,660.01	\$145,660
\$244.00	\$137,300.01	\$139,300	\$244.00	\$139,480.01	\$141,480	\$255.00	\$145,660.01	\$147,660
\$249.00	\$139,300.01	\$141,300	\$249.00	\$141,480.01	\$143,480	\$260.00	\$147,660.01	\$149,660
\$254.00	\$141,300.01	\$143,300	\$254.00	\$143,480.01	\$145,480	\$265.00	\$149,660.01	\$151,660
\$259.00	\$143,300.01	\$145,300	\$259.00	\$145,480.01	\$147,480	\$270.00	\$151,660.01	\$153,660
\$264.00	\$145,300.01	\$147,300	\$264.00	\$147,480.01	\$149,480	\$275.00	\$153,660.01	\$155,660
\$269.00	\$147,300.01	\$149,300	\$269.00	\$149,480.01	\$151,480	\$280.00	\$155,660.01	\$157,660
\$274.00	\$149,300.01	\$151,300	\$274.00	\$151,480.01	\$153,480	\$285.00	\$157,660.01	\$159,660
\$279.00	\$151,300.01	\$153,300	\$279.00	\$153,480.01	\$155,480	\$290.00	\$159,660.01	\$161,660
\$284.00	\$153,300.01	\$155,300	\$284.00	\$155,480.01	\$157,480	\$295.00	\$161,660.01	\$163,660
\$289.00	\$155,300.01	\$157,300	\$289.00	\$157,480.01	\$159,480	\$300.00	\$163,660.01	\$165,660
\$294.00	\$157,300.01	\$159,300	\$294.00	\$159,480.01	\$161,480	\$305.00	\$165,660.01	\$167,660
\$299.00	\$159,300.01	\$161,300	\$299.00	\$161,480.01	\$163,480	\$310.00	\$167,660.01	\$169,660
\$304.00	\$161,300.01	\$163,300	\$304.00	\$163,480.01	\$165,480	\$315.00	\$169,660.01	\$171,660
\$309.00	\$163,300.01	\$165,300	\$309.00	\$165,480.01	\$167,480	\$320.00	\$171,660.01	\$173,660
\$315.00	\$165,300.01	\$167,300	\$314.00	\$167,480.01	\$169,480	\$325.00	\$173,660.01	\$175,660
\$321.00	\$167,300.01	\$169,300	\$319.00	\$169,480.01	\$171,480	\$330.00	\$175,660.01	\$177,660
\$327.00	\$169,300.01	\$171,300	\$324.00	\$171,480.01	\$173,480	\$335.00	\$177,660.01	\$179,660
\$333.00	\$171,300.01	\$173,300	\$330.00	\$173,480.01	\$175,480	\$341.00	\$179,660.01	\$181,660
\$339.00	\$173,300.01	\$175,300	\$336.00	\$175,480.01	\$177,480	\$347.00	\$181,660.01	\$183,660
\$345.00	\$175,300.01	\$177,300	\$342.00	\$177,480.01	\$179,480	\$353.00	\$183,660.01	\$185,660
\$351.00	\$177,300.01	\$179,300	\$348.00	\$179,480.01	\$181,480	\$359.00	\$185,660.01	\$187,660
\$357.00	\$179,300.01	\$181,300	\$354.00	\$181,480.01	\$183,480	\$365.00	\$187,660.01	\$189,660
\$363.00	\$181,300.01	\$183,300	\$360.00	\$183,480.01	\$185,480	\$371.00	\$189,660.01	\$191,660
\$369.00	\$183,300.01	\$185,300	\$366.00	\$185,480.01	\$187,480	\$377.00	\$191,660.01	\$193,660
\$375.00	\$185,300.01	\$187,300	\$372.00	\$187,480.01	\$189,480	\$383.00	\$193,660.01	\$195,660
\$381.00	\$187,300.01	\$189,300	\$378.00	\$189,480.01	\$191,480	\$389.00	\$195,660.01	\$197,660
\$387.00	\$189,300.01	\$191,300	\$384.00	\$191,480.01	\$193,480	\$395.00	\$197,660.01	\$199,660
\$393.00	\$191,300.01	\$193,300	\$390.00	\$193,480.01	\$195,480	\$401.00	\$199,660.01	\$201,660



Weekly Co-pay	Family Size: 19 Annual Income		Weekly Co-pay	Family Size: 20 Annual Income		Weekly Co-pay	Family Size: 21 Annual Income	
\$399.00	\$193,300.01	\$195,300	\$396.00	\$195,480.01	\$197,480	\$407.00	\$201,660.01	\$203,660
\$405.00	\$195,300.01	\$197,300	\$402.00	\$197,480.01	\$199,480	\$413.00	\$203,660.01	\$205,660
\$411.00	\$197,300.01	\$199,300	\$408.00	\$199,480.01	\$201,480	\$419.00	\$205,660.01	\$207,660
\$419.00	\$199,300.01	\$201,300	\$414.00	\$201,480.01	\$203,480	\$425.00	\$207,660.01	\$209,660
\$424.00	\$201,300.01	\$205,155	\$420.00	\$203,480.01	\$205,480	\$431.00	\$209,660.01	\$211,660
			\$426.00	\$205,480.01	\$207,480	\$437.00	\$211,660.01	\$213,660
			\$432.00	\$207,480.01	\$209,480	\$443.00	\$213,660.01	\$215,660
			\$438.00	\$209,480.01	\$214,978	\$449.00	\$215,660.01	\$217,660
						\$455.00	\$217,660.01	\$224,801
	200% FPIG	\$174,600		200% FPIG	\$182,960		200% FPIG	\$191,320

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### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Human Services (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

#### A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units, and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals, and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2015, through June 30, 2016, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2015, to June 30, 2016, disproportionate share payment percentages:

ALBERT EINSTEIN MEDICAL CENTER	4.92%
ALFRED I. DUPONT INSTITUTE	7.64%
BARNES KASSON HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHARLES COLE MEMORIAL HOSPITAL	1.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
CROZER CHESTER MEDICAL CENTER	3.10%
DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
DIVINE PROVIDENCE HOSPITAL	5.54%
GEISINGER MEDICAL CENTER	6.84%
GUTHRIE TOWANDA MEMORIAL HOSPITAL	3.36%
HAHNEMANN UNIVERSITY HOSPITAL	4.52%

HIGHLANDS HOSPITAL AND HEALTH CENTER	4.56%
J.C. BLAIR MEMORIAL HOSPITAL	4.78%
KENSINGTON HOSPITAL	14.00%
LOCK HAVEN HOSPITAL	3.16%
MAGEE WOMEN'S HOSPITAL	5.55%
MERCY FITZGERALD HOSPITAL	2.69%
MERCY HOSPITAL OF PHILADELPHIA	5.19%
MILLCREEK COMMUNITY HOSPITAL	5.00%
NPHS ST. JOSEPH'S HOSPITAL	7.51%
PENN HIGHLANDS DUBOIS	9.00%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%
PENNSYLVANIA HOSPITAL	3.66%
SCHUYLKILL MEDICAL CENTER	6.68%
SOUTH POTTSVILLE	
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	8.75%
SUNBURY COMMUNITY HOSPITAL	6.26%
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.66%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%
TITUSVILLE AREA HOSPITAL	2.84%
TROY COMMUNITY HOSPITAL	3.98%
UNIONTOWN HOSPITAL	1.84%
UPMC BEDFORD MEMORIAL	2.96%
UPMC MERCY	1.65%
UPMC PRESBYTERIAN SHADYSIDE	2.48%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	5.05%
WEST VIRGINIA UNIVERSITY HOSPITALS	5.76%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%

#### Psychiatric Units of Inpatient Hospitals

ALBERT EINSTEIN MEDICAL CENTER	2.97%
BRADFORD REGIONAL MEDICAL CENTER	2.81%
CROZER CHESTER MEDICAL CENTER	2.02%
DIVINE PROVIDENCE HOSPITAL	3.30%
EAGLEVILLE HOSPITAL	1.74%
GEISINGER MEDICAL CENTER	2.06%

HAHNEMANN UNIVERSITY HOSPITAL	2.76%	HORSHAM PSYCHIATRIC HOSPITAL	4.15%
HIGHLANDS HOSPITAL AND HEALTH CENTER	2.78%	KIDSPEACE HOSPITAL	7.48%
J.C. BLAIR MEMORIAL HOSPITAL	1.63%	KIRKBRIDE CENTER	4.27%
MERCY FITZGERALD HOSPITAL	1.80%	MEADOWS PSYCHIATRIC CENTER	5.95%
MERCY HOSPITAL OF PHILADELPHIA	3.11%	MONTGOMERY COUNTY EMERGENCY SERVICES	4.90%
MILLCREEK COMMUNITY HOSPITAL	3.02%	ROXBURY PSYCHIATRIC HOSPITAL	1.00%
NPHS GIRARD MEDICAL CENTER	2.98%	SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%
PENN HIGHLANDS DUBOIS	2.52%	WELLSPAN PHILHAVEN	4.04%
PENN PRESBYTERIAN MEDICAL CENTER	1.90%	<i>Private Drug and Alcohol Hospitals</i>	
PENNSYLVANIA HOSPITAL	2.31%	EAGLEVILLE HOSPITAL	1.72%
SCHUYLKILL MEDICAL CENTER	2.03%	<i>B. Additional Disproportionate Share Payments</i>	
SOUTH POTTSVILLE		Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to Title XIX beneficiaries, 21 years of age or older but under 65 years of age, who have been determined to be low income by meeting the income and resource standards for the Commonwealth's MA Program. The payment adjustments are paid directly proportional to the payment received for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.	
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	2.47%	The following hospitals are eligible for this payment adjustment:	
SUNBURY COMMUNITY HOSPITAL	1.94%	<i>Acute Care General Hospitals</i>	
TEMPLE UNIVERSITY HOSPITAL	3.89%	ABINGTON MEMORIAL HOSPITAL	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%	ADVANCED SURGICAL HOSPITAL	
UPMC MERCY	1.26%	ALBERT EINSTEIN MEDICAL CENTER	
UPMC PRESBYTERIAN SHADYSIDE	1.69%	ALFRED I. DUPONT INSTITUTE	
WPAHS WESTERN PENNSYLVANIA HOSPITAL	1.67%	ALLE KISKI MEDICAL CENTER	
<i>Drug and Alcohol Units of Acute Care Hospitals</i>		AMERICAN ONCOLOGIC HOSPITAL	
NPHS ST. JOSEPH'S HOSPITAL	5.54%	ARIA HEALTH HOSPITAL	
PENN PRESBYTERIAN MEDICAL CENTER	1.95%	ARMSTRONG COUNTY MEMORIAL HOSPITAL	
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	3.63%	BARNES KASSON HOSPITAL	
<i>Medical Rehab Units of Acute Care Hospitals</i>		BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN CAMPUS	
ALBERT EINSTEIN MEDICAL CENTER	3.53%	BRADFORD REGIONAL MEDICAL CENTER	
ALFRED I. DUPONT INSTITUTE	5.65%	BRANDYWINE HOSPITAL	
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%	BROOKVILLE HOSPITAL	
CROZER CHESTER MEDICAL CENTER	2.12%	BRYN MAWR HOSPITAL	
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%	BUCKTAIL MEDICAL CENTER	
MERCY FITZGERALD HOSPITAL	1.80%	BUTLER MEMORIAL HOSPITAL	
PENN HIGHLANDS DUBOIS	2.87%	CANONSBURG GENERAL HOSPITAL	
SCHUYLKILL MEDICAL CENTER	2.14%	CARLISLE REGIONAL MEDICAL CENTER	
SOUTH POTTSVILLE		CH HOSPITAL OF ALLENTOWN	
TEMPLE UNIVERSITY HOSPITAL	4.88%	CHAMBERSBURG HOSPITAL	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%	CHARLES COLE MEMORIAL HOSPITAL	
UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%	CHESTER COUNTY HOSPITAL	
UPMC MERCY	1.00%	CHESTNUT HILL HOSPITAL	
UPMC PRESBYTERIAN SHADYSIDE	1.64%	CHILDREN'S HOSPITAL OF PHILADELPHIA	
<i>Freestanding Rehab Hospitals</i>		CHILDREN'S HOSPITAL OF PITTSBURGH	
CHILDREN'S HOME OF PITTSBURGH	10.00%	CHS BERWICK HOSPITAL CENTER	
CHILDREN'S INSTITUTE OF PITTSBURGH	6.33%	CLARION HOSPITAL	
<i>Private Psychiatric Hospitals</i>		CONEMAUGH MEMORIAL MEDICAL CENTER	
BELMONT CENTER FOR COMPREHENSIVE TREATMENT	3.97%	CONEMAUGH MEYERSDALE MEDICAL CENTER	
BROOKE GLEN BEHAVIORAL HEALTH	3.09%	CONEMAUGH MINERS MEDICAL CENTER	
CLARION PSYCHIATRIC CENTER	5.81%	COORDINATED HEALTH ORTHOPEDIC HOSPITAL	
DEVEREUX CHILDREN'S BEHAVIORAL HEALTH	10.00%	CORRY MEMORIAL HOSPITAL	
FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%	CROZER CHESTER MEDICAL CENTER	
FIRST HOSPITAL WYOMING VALLEY	4.73%	DELAWARE COUNTY MEMORIAL HOSPITAL	
FOUNDATIONS BEHAVIORAL HEALTH	5.27%	DIVINE PROVIDENCE HOSPITAL	
FRIENDS BEHAVIORAL HEALTH SYSTEM	4.01%	DOYLESTOWN HOSPITAL	
		EASTON HOSPITAL	
		EDGEWOOD SURGICAL HOSPITAL	
		EINSTEIN MEDICAL CENTER MONTGOMERY	
		ELK REGIONAL HEALTH CENTER	

ELLWOOD CITY HOSPITAL  
 ENDLESS MOUNTAINS HEALTH SYSTEM  
 EVANGELICAL COMMUNITY HOSPITAL  
 FRICK COMMUNITY HEALTH CENTER  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER BLOOMSBURG HOSPITAL  
 GEISINGER COMMUNITY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GEISINGER WYOMING VALLEY MEDICAL CENTER  
 GETTYSBURG HOSPITAL  
 GOOD SAMARITAN HOSPITAL  
 GOOD SHEPHERD PENN PARTNERS SPECIALTY  
 HOSPITAL AT RITTENHOUSE  
 GOOD SHEPHERD SPECIALTY HOSPITAL  
 GRAND VIEW HOSPITAL  
 GROVE CITY MEDICAL CENTER  
 GUTHRIE TOWANDA MEMORIAL HOSPITAL  
 HAHNEMANN UNIVERSITY HOSPITAL  
 HANOVER GENERAL HOSPITAL  
 HEART OF LANCASTER REGIONAL MEDICAL CEN-  
 TER  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 HIGHLANDS HOSPITAL AND HEALTH CENTER  
 HOLY REDEEMER HOSPITAL  
 HOLY SPIRIT HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 JAMESON MEMORIAL HOSPITAL  
 J.C. BLAIR MEMORIAL HOSPITAL  
 JEANES HOSPITAL  
 JEFFERSON HEALTH SERVICES  
 JENNERSVILLE REGIONAL HOSPITAL  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY HOSPITAL  
 KENSINGTON HOSPITAL  
 KINDRED HOSPITAL AT HERITAGE VALLEY  
 KINDRED HOSPITAL PHILADELPHIA  
 KINDRED HOSPITAL PHILADELPHIA HAVERTON  
 KINDRED HOSPITAL PHILADELPHIA SOUTH  
 KINDRED HOSPITAL PITTSBURGH  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 LANSDALE HOSPITAL  
 LATROBE AREA HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSPITAL HAZLETON  
 LEHIGH VALLEY HOSPITAL MUHLENBERG  
 LIFECARE HOSPITALS OF CHESTER COUNTY  
 LIFECARE HOSPITALS OF MECHANICSBURG  
 LIFECARE HOSPITALS OF PITTSBURGH  
 MONROEVILLE  
 LIFECARE HOSPITAL OF PITTSBURGH SUBURBAN  
 LOCK HAVEN HOSPITAL  
 LOWER BUCKS HOSPITAL  
 MAGEE WOMEN'S HOSPITAL  
 MAIN LINE HOSPITAL LANKENAU  
 MEADVILLE MEDICAL CENTER  
 MEMORIAL HOSPITAL MERCY FITZGERALD HOS-  
 PITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MEDICAL CENTER  
 MONONGAHELA VALLEY HOSPITAL  
 MOSES TAYLOR HOSPITAL  
 MOUNT NITTANY MEDICAL CENTER  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS ST. JOSEPH'S HOSPITAL  
 OHIO VALLEY GENERAL HOSPITAL  
 OSS ORTHOPAEDIC HOSPITAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENN HIGHLANDS CLEARFIELD HOSPITAL  
 PENN HIGHLANDS DUBOIS  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 PHOENIXVILLE HOSPITAL  
 PHYSICIANS CARE SURGICAL HOSPITAL  
 PINNACLE HEALTH HOSPITALS  
 POCONO MEDICAL CENTER  
 POTTSVILLE MEMORIAL MEDICAL CENTER  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL  
 REGIONAL HOSPITAL OF SCRANTON  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSPITAL  
 ROXBOROUGH MEMORIAL HOSPITAL  
 SACRED HEART HOSPITAL  
 SAINT VINCENT HEALTH CENTER  
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN  
 STREET  
 SCHUYLKILL MEDICAL CENTER SOUTH  
 POTTSVILLE  
 SELECT SPECIALTY CENTRAL PENNSYLVANIA  
 SELECT SPECIALTY DANVILLE  
 SELECT SPECIALTY ERIE  
 SELECT SPECIALTY JOHNSTOWN  
 SELECT SPECIALTY LAUREL HIGHLANDS  
 SELECT SPECIALTY MCKEESPORT  
 SELECT SPECIALTY PITTSBURGH UPMC  
 SHARON REGIONAL HEALTH SYSTEM  
 SHRINERS HOSPITALS FOR CHILDREN  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 SOMERSET COMMUNITY HOSPITAL  
 SPECIAL CARE HOSPITAL  
 ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN  
 ST. CLAIR MEMORIAL HOSPITAL  
 ST. JOSEPH REGIONAL HEALTH NETWORK  
 ST. LUKE'S HOSPITAL ANDERSON CAMPUS  
 ST. LUKE'S HOSPITAL OF BETHLEHEM  
 ST. LUKE'S HOSPITAL QUAKERTOWN  
 ST. LUKE'S MINERS MEMORIAL HOSPITAL  
 ST. MARY MEDICAL CENTER  
 SUBURBAN COMMUNITY HOSPITAL  
 SUNBURY COMMUNITY HOSPITAL  
 SURGICAL INSTITUTE OF READING  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 TITUSVILLE AREA HOSPITAL  
 TROY COMMUNITY HOSPITAL  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC ALTOONA  
 UPMC BEDFORD MEMORIAL  
 UPMC EAST  
 UPMC HAMOT  
 UPMC HORIZON  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT HOSPITAL  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC ST. MARGARET  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HEALTH SYSTEM GREENE  
 WASHINGTON HOSPITAL



WAYNE MEMORIAL HOSPITAL  
 WAYNESBORO HOSPITAL  
 WELLSPAN EPHRATA  
 WELLSPAN SURGERY AND REHABILITATION HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITALS  
 WESTMORELAND REGIONAL HOSPITAL  
 WILKES BARRE GENERAL HOSPITAL  
 WILLIAMSPORT HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

*Psychiatric Units of Inpatient Hospitals*

ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALLE KISKI MEDICAL CENTER  
 ARIA HEALTH HOSPITAL  
 ARMSTRONG COUNTY MEMORIAL HOSPITAL  
 BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN CAMPUS  
 BRADFORD REGIONAL MEDICAL CENTER  
 BRANDYWINE HOSPITAL  
 BRYN MAWR HOSPITAL  
 BUTLER MEMORIAL HOSPITAL  
 CHAMBERSBURG HOSPITAL  
 CHS BERWICK HOSPITAL CENTER  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 DIVINE PROVIDENCE HOSPITAL  
 EAGLEVILLE HOSPITAL  
 ELK REGIONAL HEALTH CENTER  
 GEISINGER BLOOMSBURG HOSPITAL  
 GEISINGER COMMUNITY MEDICAL CENTER  
 GEISINGER LEWISTOWN HOSPITAL  
 GEISINGER MEDICAL CENTER  
 GEISINGER SHAMOKIN  
 HAHNEMANN UNIVERSITY HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 HIGHLANDS HOSPITAL AND HEALTH CENTER  
 HOLY SPIRIT HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 J.C. BLAIR MEMORIAL HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 LATROBE AREA HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LOWER BUCKS HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 MERCY FITZGERALD HOSPITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 MILLCREEK COMMUNITY HOSPITAL  
 MONONGAHELA VALLEY HOSPITAL  
 MOSES TAYLOR HOSPITAL  
 MOUNT NITTANY MEDICAL CENTER  
 NPHS GIRARD MEDICAL CENTER  
 OHIO VALLEY GENERAL HOSPITAL  
 PALMERTON HOSPITAL  
 PENN HIGHLANDS CLEARFIELD HOSPITAL  
 PENN HIGHLANDS DUBOIS  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MEDICAL CENTER  
 READING HOSPITAL  
 ROBERT PACKER HOSPITAL

SACRED HEART HOSPITAL  
 SAINT VINCENT HEALTH CENTER  
 SCHUYLKILL MEDICAL CENTER SOUTH  
 POTTSVILLE  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 SOMERSET COMMUNITY HOSPITAL  
 SPECIAL CARE HOSPITAL  
 ST. CLAIR MEMORIAL HOSPITAL  
 ST. LUKE'S HOSPITAL OF BETHLEHEM  
 ST. LUKE'S HOSPITAL QUAKERTOWN  
 SUNBURY COMMUNITY HOSPITAL  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 UPMC ALTOONA  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PRESBYTERIAN SHADYSIDE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HEALTH SYSTEM GREENE  
 WASHINGTON HOSPITAL  
 WELLSPAN EPHRATA  
 WESTMORELAND REGIONAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 YORK HOSPITAL

*Drug and Alcohol Units of Inpatient Hospitals*

BELMONT CENTER FOR COMPREHENSIVE TREATMENT  
 BUTLER MEMORIAL HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 NPHS ST JOSEPH'S HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

*Medical Rehab Units of Inpatient Hospitals*

ABINGTON MEMORIAL HOSPITAL  
 AEMC MOSS AT ARIA BUCKS  
 AEMC MOSS AT ARIA FRANKFORD  
 AEMC MOSS AT DOYLESTOWN HOSPITAL  
 AEMC MOSS AT ELKINS PARK  
 AEMC MOSS AT SACRED HEART  
 AEMC MOSS AT TARBOR ROAD  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALFRED I. DUPONT INSTITUTE  
 BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN CAMPUS  
 CANONSBURG GENERAL HOSPITAL  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CHILDREN'S HOSPITAL OF PITTSBURGH  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 DELAWARE COUNTY MEMORIAL HOSPITAL  
 EASTON HOSPITAL  
 GEISINGER WYOMING VALLEY MEDICAL CENTER  
 GOOD SAMARITAN HOSPITAL  
 HANOVER GENERAL HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 INDIANA REGIONAL MEDICAL CENTER  
 JAMESON MEMORIAL HOSPITAL  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 LEHIGH VALLEY HOSPITAL HAZLETON  
 MERCY FITZGERALD HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MEDICAL CENTER



MONONGAHELA VALLEY HOSPITAL  
 NAZARETH HOSPITAL  
 OHIO VALLEY HOSPITAL  
 PENN HIGHLANDS DUBOIS  
 PINNACLE HEALTH HOSPITALS  
 READING HOSPITAL  
 REGIONAL REHAB CENTER AT PHOENIXVILLE  
 HOSPITAL  
 SAINT VINCENT HEALTH CENTER  
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN  
 STREET  
 SCHUYLKILL MEDICAL CENTER SOUTH  
 POTTSVILLE  
 ST. LUKE'S HOSPITAL OF BETHLEHEM  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC EAST  
 UPMC HORIZON  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT HOSPITAL  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC ST. MARGARET  
 WASHINGTON HOSPITAL  
 WELLSPAN SURGERY AND REHABILITATION HOS-  
 PITAL  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHABILITATION HOSPITAL  
 BRYN MAWR REHABILITATION HOSPITAL  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE OF PITTSBURGH  
 GOOD SHEPHERD REHABILITATION HOSPITAL  
 HEALTHSOUTH ALTOONA  
 HEALTHSOUTH ERIE  
 HEALTHSOUTH HARMARVILLE  
 HEALTHSOUTH MECHANICSBURG  
 HEALTHSOUTH NITTANY VALLEY  
 HEALTHSOUTH PENN STATE GEISENGER  
 HEALTHSOUTH READING  
 HEALTHSOUTH SEWICKLEY  
 HEALTHSOUTH YORK  
 HELEN M. SIMPSON REHABILITATION HOSPITAL  
 JOHN HEINZ INSTITUTE  
 LANCASTER REHABILITATION HOSPITAL  
 MAGEE MEMORIAL HOSPITAL  
 PENN STATE HERSHEY REHABILITATION HOS-  
 PITAL

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMPREHENSIVE TREAT-  
 MENT  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH  
 CENTER  
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM  
 FIRST HOSPITAL WYOMING VALLEY  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS BEHAVIORAL HEALTH SYSTEM  
 HAVEN BEHAVIORAL HOSPITAL OF EASTERN  
 PENNSYLVANIA  
 HAVEN BEHAVIORAL HOSPITAL OF PHILADELPHIA  
 HORSHAM CLINIC  
 KIDSPEACE HOSPITAL

KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICES  
 PENNSYLVANIA PSYCHIATRIC INSTITUTE  
 ROXBURY PSYCHIATRIC HOSPITAL  
 SOUTHWOOD PSYCHIATRIC HOSPITAL  
 WELLSPAN PHILHAVEN

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL

*C. Additional Class of Disproportionate Share Pay-  
 ments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P.L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ALFRED I. DUPONT INSTITUTE  
 ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ARIA HEALTH HOSPITAL  
 BARNES KASSON HOSPITAL  
 CHARLES COLE MEMORIAL HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CLARION HOSPITAL  
 CROZER CHESTER MEDICAL CENTER  
 DOYLESTOWN HOSPITAL  
 EAGLEVILLE HOSPITAL  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY HOSPITAL  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GUTHRIE TOWANDA MEMORIAL HOSPITAL  
 HAHNEMANN UNIVERSITY HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 J.C. BLAIR MEMORIAL HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSPITAL HAZLETON  
 LOCK HAVEN HOSPITAL  
 MAGEE WOMEN'S HOSPITAL  
 MAIN LINE HOSPITAL LANKENAU  
 MEADVILLE MEDICAL CENTER  
 MERCY FITZGERALD HOSPITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 MILTON S. HERSHEY MEDICAL CENTER  
 NPHS ST. JOSEPH'S HOSPITAL  
 PENN HIGHLANDS CLEARFIELD HOSPITAL  
 PENN HIGHLANDS DUBOIS  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 ST LUKE'S HOSPITAL OF BETHLEHEM

TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 TITUSVILLE AREA HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC ALTOONA  
 UPMC BEDFORD MEMORIAL  
 UPMC HAMOT  
 UPMC MERCY  
 UPMC PRESBYTERIAN SHADYSIDE  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL  
 WAYNE MEMORIAL HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

#### *Public Comment*

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1155. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1016. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Managed Care Assessment Program for Fiscal Year 2017-2018**

The Department of Human Services (Department) is providing final notice of an adjustment to the managed care assessment fee for Fiscal Year (FY) 2017-2018. The Department published notice of its intent to adjust the managed care assessment fee to \$15.07 per member per month effective July 1, 2017, at 46 Pa.B. 7904 (December 17, 2016). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The Department estimates the annual aggregate assessment fixed fees for managed care organizations in FY 2017-2018 will total \$1,047.217 million.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1156. (1) General Fund; (2) Implementing Year 2016-17 is \$0; (3) 1st Succeeding Year 2017-18 is -\$1,047,000,000; 2nd Succeeding Year 2018-19 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$3,829,000,000; 2014-15 Program—\$3,823,000,000; 2013-14 Program—\$3,995,000,000; (7) Medical Assistance—Capitation; (8) recommends adoption.

[Pa.B. Doc. No. 17-1017. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Nursing Facility Assessment Program for Fiscal Year 2017-2018**

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program (Assessment Program) beginning in Fiscal Year (FY) 2017-2018.

#### *Background*

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department of Human Services (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year. Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services if necessary to implement the Assessment Program. See 62 P.S. § 812-A.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary) determines the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 804-A.

Before imposing an annual assessment for a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin*. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2017-2018 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2017-2018.

#### *Proposed Assessment Methodology and Rates*

The Department is proposing to use the same assessment methodology and rates in FY 2017-2018 that was used in FY 2016-2017.

During FY 2017-2018, the assessment will be imposed on all licensed nursing facilities in this Commonwealth except the following nursing facilities, which will continue to be exempt from the Assessment Program:

- (1) State-owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.

(3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.

(4) Nursing facilities that provide nursing facility services free of charge to all residents.

As in FY 2016-2017, the Department is proposing to continue to assess nonexempt nursing facilities at two

rates. For FY 2017-2018, the Department is proposing that one rate will remain at \$8.01, and will be imposed on the same four categories of nursing facilities:

- County nursing facilities.
- Nursing facilities that have 44 or fewer licensed beds.
- Certain Continuing Care Retirement Community (CCRC) nursing facilities (see 40 Pa.B. 7297 (December 18, 2010)).
- Nursing facilities with an MA occupancy rate of at least 94% based on the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016, for each nursing facility as of April 22, 2016. A nursing facility's MA occupancy rate for the purpose of qualifying for the lower assessment rate will be calculated as follows:  $\text{MA Occupancy Rate} = \frac{\text{Sum of Total PA MA Days from each of the four quarters}}{\text{Sum of Total Resident Days from each of the four quarters}}$ , rounded to two decimals.

For all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010, the Department is proposing the facilities continue to be assessed at the rate of \$32.10.

For FY 2017-2018, the Department is proposing to continue calculating an annual assessment amount for each nonexempt facility by multiplying its assessment rate by the facility's historical non-Medicare resident days for the four consecutive assessment quarters beginning April 1, 2015, and ending March 31, 2016. The Department will collect the annual assessment amount in four equal quarterly installments.

#### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$505.867 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this proposed assessment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments must be submitted within 30 days of publication of the notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2017-2018. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1140. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1018. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Payment for Nursing Facility Services Provided by County Nursing Facilities; Medical Assistance Day One Incentive Payments to County Nursing Facilities for Fiscal Year 2017-2018**

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified county nursing facilities through Fiscal Year (FY) 2017-2018.

#### *Background*

The Department instituted the MDOI payments in FY 2006-2007 to encourage county nursing facilities to continue to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission.

For FYs 2006-2007 through 2016-2017, the Department provided MDOI payments to qualified county nursing facilities. The qualifying criteria and formula used to determine these payments, as set forth in the Commonwealth's approved State Plan, are as follows:

To qualify for a quarterly MDOI payment, the facility must be a county nursing facility both during the entire quarter for which the payment is being made and at the time the payment is made. A facility will not qualify for a quarterly payment if they are located in a geographic zone where Community Health Choices operates during the entire quarter for which the payment is being made.

The Department will calculate each qualified county nursing facility's MDOI quarterly installment payment based on the following formula:

(i) The total funds allocated for the quarter will be divided by the total MA days for all qualified county nursing facilities to determine the quarterly MDOI per diem. The total MA days used for each county nursing facility will be the MA days identified on the most recent Provider Reimbursement and Operations Management Information System (PROMISE™) data file used to determine the facility's eligibility for disproportionate share incentive payments.

(ii) The quarterly MDOI per diem will be multiplied by each qualified county nursing facility's paid MA days identified on the most recent PROMISE™ data file used to determine eligibility for disproportionate share incentive payments, to determine its quarterly MDOI amount.

The MDOI payments for each quarter of the rate year will be paid in the first month of the following quarter.

For FY 2017-2018, the Department intends to use a portion of the revenues generated from the FY 2017-2018 Nursing Facility Assessment Program (see section 815-A of the Human Services Code (62 P.S. § 815-A)) as the State share of the MDOI payments to qualified county nursing facilities. To authorize the continuance of the MDOI payments for FY 2017-2018, and the funding level for the MDOI payments for FY 2017-2018, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare & Medicaid Services (CMS).

If CMS approves the SPA, the Department will have the authority to continue to make MDOI payments to county nursing facilities for FY 2017-2018.

The MDOI payments to county nursing facilities will provide incentives to county nursing facilities to provide services to individuals who are MA eligible on the day of admission. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an



incentive to county nursing facilities to continue to provide for the poor and indigent citizens of this Commonwealth.

#### *Fiscal Impact*

The estimated aggregate expenditures during FY 2017-2018 is \$20.911 million (\$10.075 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1139. (1) General Fund; (2) Implementing Year 2016-17 is \$0; (3) 1st Succeeding Year 2017-18 is \$10,075,000; 2nd Succeeding Year 2018-19 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1019. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for the Third Quarter of Fiscal Year 2016-2017**

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified county nursing facility for the third quarter of Fiscal Year (FY) 2016-2017.

#### *Payment Information*

The Department made county nursing facility MDOI payments for the January 1, 2017, through March 31, 2017, quarter of FY 2016-2017.

Payment information for the county nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/countymdoi/index.htm>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of Medical Assistance providers are governed by

regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1144. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1020. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for March 2017**

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for March 2017.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for March 2017 was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of MA providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.



*Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1143. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1021. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Payments to Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments for the Third Quarter of Fiscal Year 2016-2017**

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified nonpublic nursing facility for the third quarter of Fiscal Year (FY) 2016-2017.

*Payment Information*

The Department made a nonpublic nursing facility MDOI payment for the January 1, 2017, through March 31, 2017, quarter of FY 2016-2017 to qualifying nonpublic nursing facilities.

Payment information for the nonpublic nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/nonpublicmdoi/index.htm>.

*Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of Medical Assistance providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

*Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1146. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1022. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Payments to Nursing Facilities; Health Care-Associated Infection Payments Posted for Cost Reports with Acceptance Letters Mailed on or Before March 6, 2017**

This notice announces that the Department of Human Services (Department) made health care-associated infection (HAI) payments to each qualified nursing facility for MA-11 Cost Reports with acceptance letters mailed on or before March 6, 2017.

*Payment Information*

Payment information for the Medical Assistance (MA) portion of the annual HAI surcharge for MA-11 Cost Reports with acceptance letters mailed by the Department on or before March 6, 2017, is posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm>.

*Appeals*

If a facility wishes to appeal, they must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by regulations set forth in 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time. Individuals can review these regulations online at <http://www.pacode.com/secure/data/055/chapter41/chap41toc.html>.

*Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1142. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1023. Filed for public inspection June 16, 2017, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Deputy Secretary of Highway Administration, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning to construct the following projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the Categorical Exclusion Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

• **SR 0026, Section 13B—Hopewell Township, Bedford County.**

*Project Description:* The proposed project will involve replacing four single span structures over tributaries to Yellow Creek with new precast box culverts. The project is located approximately 5 miles west of Hopewell, PA near the intersection of SR 0026 and SR 0036. Three of the culverts are located along SR 0026 and one is located along SR 0036.

*Environmental Documents:* Level 1b Categorical Exclusion Reevaluation, approved on February 3, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on January 25, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.174 acre of right-of-way (ROW), 0.031 acre of drainage easement and 0.543 acre of temporary construction easement from the 84-acre Henry Clapper Farm property that was determined eligible for the National Register of Historic Places (NRHP) in 2014 under Criterion A for Agriculture.

• **SR 0030, Section P30—Forest Hills Borough, Allegheny County.**

*Project Description:* The Department through the P3 Rapid Bridge Replacement Project (RBRP) proposes to replace the SR 0030, Section P30 bridge over Falls Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Bridge and Roadway Programmatic Agreement (BRPA) Categorical Exclusion Reevaluation, approved on November 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on October 7, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.04 acre of ROW and 0.37 acre of temporary construction easement from the 23.23-acre Forest Hills Park that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 0034, Section 000—Menallen Township, Adams County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 0034, Section 000 (Carlisle Road) bridge over Opossum Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Level 2 Categorical Exclusion Reevaluation, approved on February 21, 2017, and a Final Individual Section 4(f) Evaluation, approved on October 7, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The Northern Adams County Fruitbelt Historic District is eligible for the NRHP for its significance in agriculture, particularly fruit growing. Approximately 0.06 acre of ROW and 0.16 acre of temporary construction easement will be needed from the 209 Aspers Bendersville Road property within the Northern Adams County Fruitbelt Historic District.

• **SR 0036, Section 07S—South Woodbury Township, Bedford County.**

*Project Description:* The project involves correcting substandard superelevation horizontal curvature, improving the SR 0036 and SR 0869 (Brumbaugh Road) intersection, improving substandard vertical geometry, improving substandard geometry for the T-594 (Mountain View Drive) intersection, widening the roadway to improve safety in various locations, and adding a center-turn lane and new ingress and egress to the Northern Bedford County School District. The replacement of the SR 0036 bridge over Three Springs Run will also be a component of the project.

*Environmental Documents:* Level 1b Categorical Exclusion Reevaluation, approved on September 28, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on July 7, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.0113 acre of ROW and 0.0158 acre of temporary construction easement from the John Snider House property that was determined eligible for the NRHP in 2013.

• **SR 0127, Section B00—Triumph Township and Borough of Tidioute, Warren County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 0127, Section B00 bridge over Gordon Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Level 1b Categorical Exclusion Reevaluation, approved on November 14, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on September 30, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.05 acre of ROW and 0.02 acre of temporary construction easement from the 992-acre State Game Lands # 309 that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 0155, Section A02—Annin Township, McKean County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 0155, Section A02 (Turtle Point-Larabee Road Bridge) over Rock Run on the existing alignment. The proposed project will replace the deteriorating structure, update guiderail, improve drainage, and mill and overlay the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on February 22, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on September 7, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.09 acre of ROW from the approximately 4.4-acre Turtle Point Community Park that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 0220, Section 174—Picture Rocks Borough, Lycoming County.**

*Project Description:* The project involves milling and overlaying along with addressing drainage concerns in the Borough of Picture Rocks. The drainage improvements include clearing brush and debris at a pipe outlet, acquiring a private access easement and constructing a paved drive, inlet replacement and installation of concrete curbing along Center Street.

*Environmental Documents:* BRPA Categorical Exclusion Evaluation, approved on January 6, 2017, and a Nationwide/Programmatic Section 4(f) Evaluation for Minor Involvements with Historic Sites, approved on January 4, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The project is located within the Picture Rocks Historic District, determined to be eligible for the NRHP. The Sheets property and adjacent Rishel property are contributing to the historic district. As part of addressing drainage concerns, the driveway on the Sheets property needs to be relocated. A private access easement is required on the Rishel property to construct the new driveway.

• **SR 0234, Section 001—Franklin and Menallen Township, Adams County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 0234, Section 001 bridge over Conewago Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Level 2 Categorical Exclusion Evaluation, approved on November 30, 2016, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, approved on August 15, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The Northern Adams County Fruitbelt Historic District is eligible for the NRHP for its significance in agriculture, particularly fruit growing. A total of 0.22 acre of temporary construction easement will be needed from two properties within the historic district, including 0.21 acre from the Cole Brothers parcel and 0.01 acre from the 1507 Narrow Road parcel.

• **SR 0285, Section B08—North Shenango Township, Crawford County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 0285, Section B08 bridge over Bennett Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on November 9, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on September 30, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.04 acre of ROW and 0.24 acre of temporary construction easement from the 9,661-acre State Game Lands # 214 that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 0288, Section L03—Wayne Township, Lawrence County.**

*Project Description:* The proposed project involves the replacement of the SR 0288, Section L03 (Wampum Avenue) bridge over a CSX railroad corridor on a new adjacent alignment. The project also includes updating signing and pavement markings.

*Environmental Documents:* Level 1B Categorical Exclusion Reevaluation, approved on October 4, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on September 15, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.482 acre of ROW and 1.239 acres of temporary construction easement from the railroad corridor owned by CSX. Also required is 0.187 acre of aerial easement, 0.080 acre of ROW to be converted to aerial easement, 0.025 acre of drainage easement and 0.088 acre to be vacated. The railroad is eligible for listing on the NRHP that qualifies as Section 4(f)/Section 2002 resource.

• **SR 0390, Section 01B—Barrett Township, Monroe County.**

*Project Description:* The proposed project consists of the replacement of the existing bridge superstructure, rehabilitation of the bridge substructure and reconstruction of the approach roadway.

*Environmental Documents:* ED BRPA Categorical Exclusion Reevaluation, approved on October 19, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on September 16, 2016.

*Proposed Use of Section 4(f) Resource:* The proposed project will require 0.166 acre from the NRHP eligible Sky Top Lodges property for drainage and slope protection.

• **SR 0422, Section 29A—Muddy Creek and Worth Townships, Butler County.**

*Project Description:* The Department proposes to construct a new connector road, SR 4017, between westbound SR 0422 and North Shore Drive, and a new loop ramp, SR 8002/Ramp L, from eastbound SR 0422 to West Park Road. Additionally, the SR 4017 connector will replace the SR 8022/Ramp J bridge over Muddy Creek. This project will also include the lengthening of the SR 0422 left-turn



lane to Interstate 79 (SR 0079) NB, requiring construction of SR 0422 near and adjacent to the West Park Road overpass. A new signal will be installed at the access ramp of SB SR 0079 and SR 0422.

*Environmental Documents:* Level 2 Categorical Exclusion Reevaluation, approved on March 2, 2017, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land, approved on September 1, 2016, and February 24, 2017.

*Proposed Use of Section 4(f)/2002 Resources:* The project will require approximately 2.73 acres of permanent park land and 0.85 acre of temporary park land from the 16,725-acre Moraine State Park. The North Country National Scenic Trail (NCNST), adjacent to Ramp J, will have 175 lineal feet removed with the removal of the existing bridge over Muddy Creek. The NCNST independently relocated their trail and a new pedestrian bridge was completed in early August 2016. Both Moraine State Park and NCNST qualify as Section 4(f)/Section 2002 resource.

• **SR 0462, Section 000—Lancaster Township, Lancaster County.**

*Project Description:* The Department through the P3 BRBP proposes to replace the SR 0462, Section 000 bridge over Little Conestoga Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Level 1b Categorical Exclusion Evaluation, approved on December 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on July 28, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.03 acre of ROW from the 5-acre Maple Grove Park, which is a township park that qualifies as Section 4(f)/Section 2002 resource.

• **SR 1004, Section 000—Stoney Creek Township and Shanksville Borough, Somerset County.**

*Project Description:* The Department through the P3 BRBP proposes to replace the SR 1004, Section 000 bridge over Rhoads Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on November 9, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land, approved on September 28, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.039 acre of ROW and 0.129 acre of temporary construction easement from the 17.5-acre Shanksville-Stoney Creek Recreational Park, which is a township park that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 1004, Section A01—Fayette Township, Juniata County.**

*Project Description:* The Department through the P3 BRBP proposes to replace the SR 1004, Section A01

bridge over Little Lost Creek on the existing alignment. The proposed project will replace the deteriorating structure, update guiderail, improve drainage, and mill and overlay the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on November 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on October 11, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.007 acre of permanent ROW acquisition and a temporary construction easement totaling 0.02 acre from the boundary of the NRHP eligible North D. and Frances A. Shellenberger House, to accommodate bridge and roadway widening and wing walls.

• **SR 1013, Section 16B—Tyrone Township, Blair County.**

*Project Description:* The project consists of replacing the existing culvert with a reinforced precast concrete box culvert carrying traffic on SR 1013 (Kettle Road) over Sinking Run. The project will also include minor roadway approach work such as roadway paving and miscellaneous roadway drainage work as required.

*Environmental Documents:* ED BRPA Categorical Exclusion Evaluation, approved on September 26, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on September 23, 2016.

*Proposed Use of Section 4(f)/Resource:* The project will require approximately 0.08 acre of ROW acquisition and 0.15 acre of temporary construction easements within the NRHP eligible Sinking Valley Rural Historic District. The project will also require approximately 0.08 acre of ROW acquisition and 0.14 acre of temporary construction easements from the NRHP eligible Shoenberger property.

• **SR 1013, Section 17B—Tyrone Township, Blair County.**

*Project Description:* The project consists of replacing the existing culvert with a reinforced precast concrete box culvert carrying traffic on SR 1013 (Kettle Road) over Sinking Run. The project will also include minor roadway approach work such as roadway paving and miscellaneous roadway drainage work as required.

*Environmental Documents:* ED Level 1b Categorical Exclusion Evaluation, approved on December 14, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on November 22, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.21 acre of required ROW and 0.15 acre of temporary construction easement from the NRHP eligible Sinking Valley Rural Historic District.

• **SR 1013, Section 18B—Tyrone Township, Blair County.**

*Project Description:* The project consists of replacing the existing culvert with a reinforced precast concrete box culvert carrying traffic on SR 1013 (Kettle Road) over Sinking Run. The project will also include minor roadway approach work such as roadway paving and miscellaneous roadway drainage work as required.

*Environmental Documents:* ED BRPA Categorical Exclusion Evaluation, approved on October 20, 2016, and a



Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on October 18, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.13 acre of required ROW and 0.22 acre of temporary construction easement from the NRHP eligible Sinking Valley Rural Historic District.

• **SR 1015, Section RAD—Radnor Township, Delaware County.**

*Project Description:* The project involves total reconstruction of approximately 280 feet of SR 1015 (Darby-Paoli Road) and the bridge over Wigwam Run between Saw Mill Road and Newtown Road.

*Environmental Documents:* Level 2 Categorical Exclusion Reevaluation, approved on November 17, 2016, two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties documents, approved on September 22, 2015, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land documents, approved on October 6, 2015.

*Proposed Use of Section 4(f)/2002 Resources:* The project will require approximately 0.073 acre of ROW acquisition and 0.039 acre of temporary construction easements from the 360-acre NRHP eligible Ardrossan Estate, approximately 0.026 acre of ROW acquisition and 0.016 acre of temporary construction easements within the 47.485-acre NRHP eligible Rose Garland/Willow property, approximately 0.026 acre of ROW and 0.016 acre of temporary construction easement from the 47-acre Willows Park, which is a township park that qualifies as Section 4(f)/Section 2002 resource, and approximately 0.12 acre of ROW and 0.02 acre of temporary construction easement from the 93-acre Shunk Hollow Park, which is a township park that qualifies as Section 4(f)/Section 2002 resource.

• **SR 1055, Section 000—Dunbar Township, Fayette County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 1055, Section 000 bridge over Trucker Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Evaluation, approved on November 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved August 18, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.28 acre of ROW and 0.15 acre of temporary construction easement from the 16,783-acre State Game Lands # 51 that qualifies as Section 4(f)/Section 2002 resource.

• **SR 2013, Section A01—Haines Township, Centre County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 2013, Section A01 (Bower Hollow Road) bridge over Pine Creek on the existing alignment. The proposed project will replace the deteriorating structure, update guiderail, improve drainage, and mill and overlay the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Evaluation, approved on December 14, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties document, approved on September 2, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.16 acre of ROW acquisition and 0.21 acre of temporary construction easement from the 146 Bower Hollow Road property within the NRHP eligible Penns Valley and Brush Valley Rural Historic District.

• **SR 2026, Section 000—Franklin Township, Greene County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 2026, Section 000 (Rolling Meadows Road) bridge over Coal Lick Run Bridge over Trucker Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Evaluation, approved February 21, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties document, approved January 29, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The project will require approximately 0.005 acre of ROW acquisition and 0.075 acre of temporary construction easement from the 5.5-acre NRHP listed Green Hills Farm.

• **SR 2047, Section 02B—Meyersdale Borough, Somerset County.**

*Project Description:* The project involves the rehabilitation of the existing stone arch structure that carries SR 2047 (Beachley Street) over Flaugherty Creek in Meyersdale Borough, Somerset County. Additional work includes ADA sidewalks/ramps, rehabilitating decorative lighting, minimal approach work, guide rail/railing replacement and drainage upgrades.

*Environmental Documents:* Level 1b Categorical Exclusion Evaluation, approved on December 14, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties document, approved on November 7, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* There is no new required ROW acquisition for the project. The project will require approximately 748 square feet of temporary construction easements and 795 square feet of permanent easement from the property in the northeastern quadrant and approximately 2,525 square feet of temporary construction easement and 1,206 square feet of permanent easement from the property in the southwestern quadrant; both properties are within the NRHP eligible Meyersdale Historic District.

• **SR 3013, Section 001—German Township, Fayette County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 3013, Section 001 bridge over Middle Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on November 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas,

Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on September 27, 2016.

*Proposed use of Section 4(f)/2002 Resources:* The new bridge will require approximately 0.10 acre of ROW and 0.19 acre of temporary construction easement from the 663-acre State Game Lands # 238 that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 3014, Section 152—Ferguson Township and State College Borough, Centre County.**

*Project Description:* The proposed highway improvement project consists of betterment/drainage upgrades along SR 3014 (Atherton Street). The proposed project will extend from Aaron Drive to Park Avenue and will include full depth pavement reconstruction in some areas with minor widening, ADA ramp upgrades, curb replacement, drainage improvements and minor traffic signal work.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on March 24, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on September 28, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.05 acre of ROW acquisition and 0.15 acre of temporary construction easement within the 109-acre NRHP listed College Heights Historic District. It will also require approximately 0.006 acre of sidewalk/traffic signal easement within the 82-acre NRHP listed Farmer's High School Historic District. Additionally, it will require approximately 519 square feet of ROW acquisition, 553 square feet of sidewalk easement, 533 square feet of slope easement and a total of 0.12 acre of temporary construction easements within the NRHP eligible College Heights Historic District expansion.

• **SR 3044, Section RBR—Narberth Borough and Lower Merion Township, Delaware County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 3044, Section RBR (East Wynnewood Road) bridge over East Branch Indian Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA Categorical Exclusion Reevaluation, approved on November 8, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document, approved on October 28, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The project will require approximately 0.04 acre ROW acquisition from the 12-acre Shortridge Memorial Park, a publicly owned park and a Section 4(f)/Section 2002 resource.

• **SR 4006, Section 000—Menallen Township, Adams County.**

*Project Description:* The Department through the P3 RBRP proposes to replace the SR 4006, Section 000 bridge over Opossum Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* Level 2 Categorical Exclusion Reevaluation, approved on October 4, 2016, and a

Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, approved on August 31, 2016.

*Proposed Use of Section 4(f)/2002 Resources:* The Northern Adams County Fruitbelt Historic District is eligible for the NRHP for its significance in agriculture, particularly fruit growing. Approximately 0.02 acre of ROW acquisition and 0.05 acre temporary construction easement will be needed from the Nicom property within the Northern Adams County Fruitbelt Historic District.

BRIAN G. THOMPSON, PE,  
Director  
Bureau of Project Delivery

[Pa.B. Doc. No. 17-1024. Filed for public inspection June 16, 2017, 9:00 a.m.]

## GAME COMMISSION

### Chronic Wasting Disease—Designation of Disease Management Areas and Endemic States and Canadian Provinces Order # 1

#### Executive Order

*Whereas*, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

*Whereas*, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

*Whereas*, CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases); and

*Whereas*, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

*Whereas*, On March 28, 2017, the Commission added 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease Restrictions) to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained over the past decade by and through executive orders; and

*Whereas*, Section 137.35(d) provides the Executive Director with the authority to designate CWD Disease Management Areas (DMAs) within this Commonwealth; and

*Whereas*, Section 137.35(d) also provides the Executive Director with the authority to designate CWD-endemic States or Canadian Provinces; and

*Whereas*, On May 6, 2017, the amendments to Section 137.35 were published in the *Pennsylvania Bulletin* and became legally effective; and

*Whereas*, The Commission has determined that formal designation of CWD DMAs and CWD-endemic States and

Canadian Provinces is necessary to fully implement these programmatic amendments to the Commission's CWD program.

*Now Therefore*, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. DMAs within this Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the maps titled "DMA2" and "DMA3" and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 2 and DMA3, the written descriptions shall prevail.

a. *DMA 1*: Eliminated.

b. *DMA 2*: Adams, Bedford, Blair, Cambria, Cumberland, Franklin, Fulton, Huntingdon and Somerset counties, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of Taneytown Road (State Highway 134) and the Maryland State Line, proceed north on Highway 134 for approximately 7.4 miles to the intersection of Steinwehr Avenue in Gettysburg. Follow right on Steinwehr Ave to Baltimore Street. Follow left on Baltimore Street through downtown Gettysburg. Proceed halfway around the traffic circle at the square unto Carlisle Street (State Highway 34). The DMA boundary follows Highway 34 north for approximately 23.1 miles to the intersection of the Baltimore Avenue (State Highway 94). Follow Highway 94 north for approximately 3 miles to the intersection of W. Old York Road (State Highway 174). Turn left and follow Highway 174 west for approximately 18.1 miles to US Highway 11 in Shippensburg. Follow US Highway 11 south for approximately 1.25 miles to the intersection of State Highway 533. Turn right the DMA boundary follows Highway 533 for approximately 4.6 miles to the intersection of State Highway 433 in Orrstown. Turn right and the boundary follows Tanyard Hill Road (State Highway 433) north for approximately 1.75 miles to the intersection of State Highway 997. Follow route 997 north for approximately 3.1 miles to the intersection of State Highway 641. Turn left and the boundary follows State Highway 641 (Forge Hill Road) for approximately 17.5 miles to the intersection of US Highway 522 near Shade Gap. The DMA boundary follows US Highway 522 east for approximately 5.6 miles to the intersection of State Highway 994 (Elliot Street) in Orbisonia. Proceed left on route 994 and follow westward for approximately 8.2 miles to the intersection of State Highway 655. Turn right and the boundary follows Highway 655 north for approximately 16.9 miles to the intersection of US Highway 22. The DMA boundary follows US Highway 22 west for 16.6 miles to State Highway 453, then north along State Highway 453 for 20.5 miles to intersection of State Highway 253. Follow State Highway 253 south for 8.1 miles to State Highway 53 in Van Ormer. The DMA continues on State Highway 53 south for 1.7 miles to

Marina Road. At Marina Road the boundary follows for 5.5 miles to the intersection of Glendale Lake Road. Continue left on Glendale Lake Road and in 3 miles join onto State Highway 36. The DMA boundary follows State Highway 36 west into the town of Patton and then straight onto Magee Ave to the intersection of 5th Avenue. Continue south on 5th Ave for about .3 miles where the road becomes Mellon Ave. Continuing on Mellon Ave for .4 miles the road becomes Carroll Road once in East Carroll Township. The boundary continues south on Carroll Road for 3.7 miles to State Highway 219 in Carrolltown. The DMA boundary follows State Highway 219 south for 26.7 miles to State Highway 56 East and then follows State Highway 56 east for 3.9 miles to State Highway 160. Following State Highway 160 southward the boundary continues for 26.5 miles to the borough of Berlin, then west through downtown Berlin on State Highway 2030 (Main Street) for 0.44 miles to the intersection of State Highway 219. Finally south along State Highway 219 for 20.6 miles to the Maryland border.

c. *DMA3*: Clearfield and Jefferson Counties, Pennsylvania, bounded and described as follows: Beginning in the Northwest corner of the DMA at the intersection of State Highway 36 and Interstate 80 (I-80), proceed east on I-80 for 27 miles to where Anderson Creek Road intersects I-80. Continue southwest on Anderson Creek Road for 1.8 miles to Home Camp Road (State Route 4016). Follow Home Camp Road south for 2.5 miles to the intersection with US Highway 322 (Rockton Mountain Highway). Continue west on US Highway 322 for 4 miles to US Highway 219, then south on along US Highway 219 for 20.25 miles to the intersection with State Highway 36. Continue west on the US 219/State Highway 36 overlap for 2.25 miles, then continue north on State Highway 36. Follow State Highway 36 (Colonel Drake Highway) northwest for 32.5 miles to its intersection with US Highway 322 (Main Street) in Brookville. Continue west on State Highway 36's overlap with US Highway 322 for approximately 0.75 miles, then continue north on State Highway 36 for 0.5 mile to the intersection with I-80.

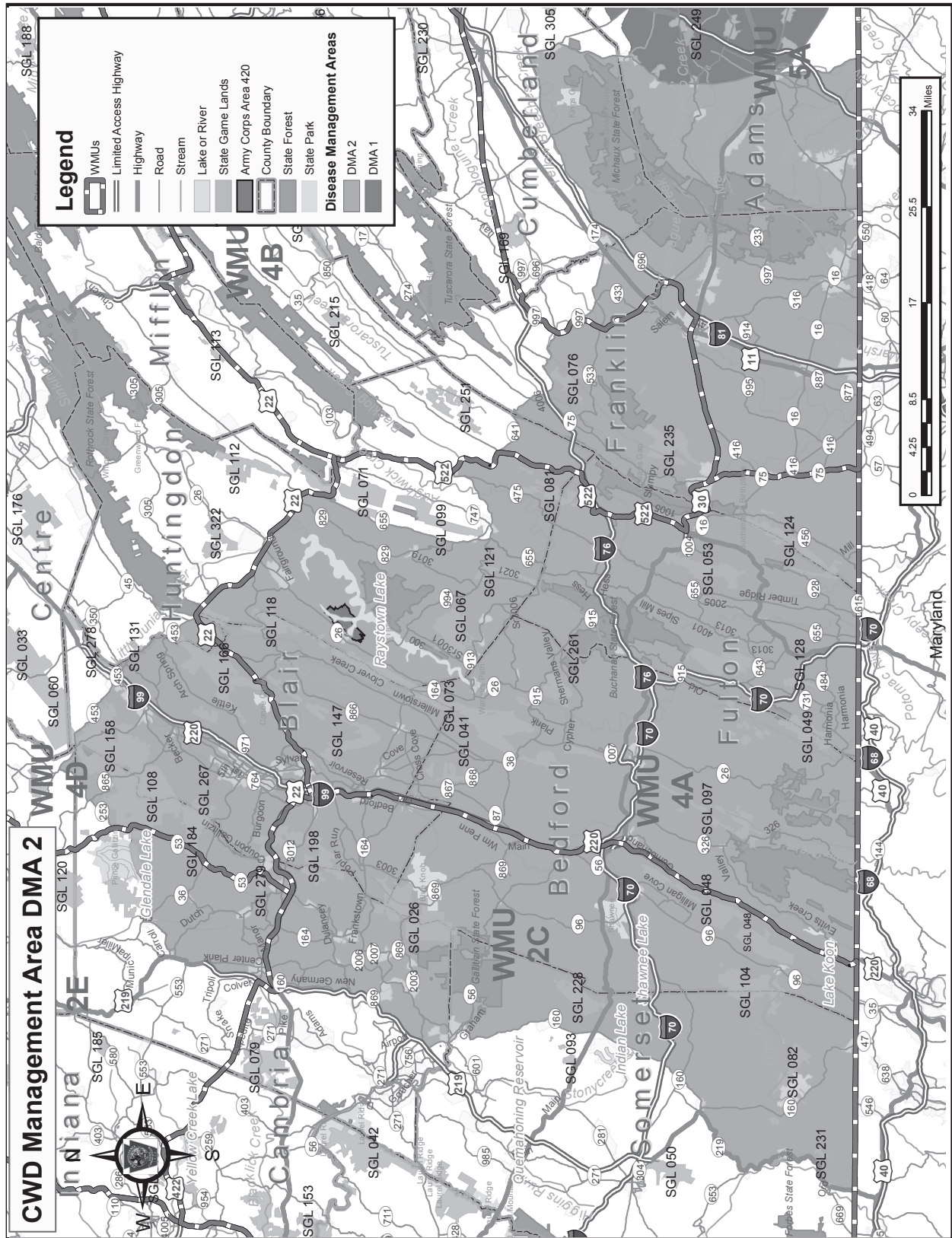
2. CWD-endemic States or Canadian Provinces are designated to include the following specific States and Canadian Provinces: Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland (only Allegany and Washington Counties), Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York (only Madison and Oneida Counties), North Dakota, Ohio (only Holmes County), Oklahoma, Saskatchewan, South Dakota, Texas, Utah, Virginia (only Frederick, Shenandoah, Warren, and Clarke Counties), West Virginia (only Hampshire, Hardy and Morgan Counties), Wisconsin, and Wyoming.

3. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

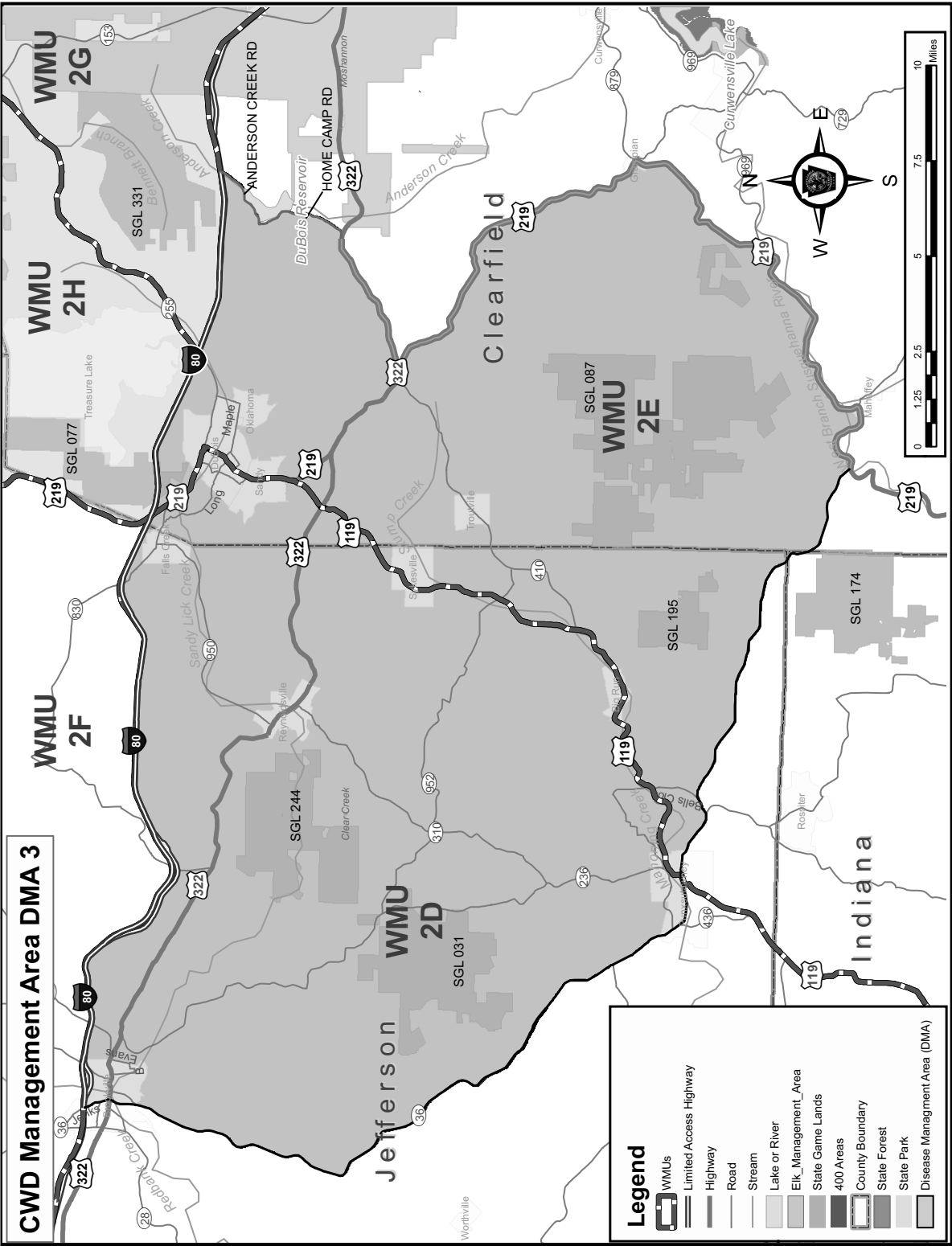
Given under my hand and seal of the Pennsylvania Game Commission on this 1st day of June, 2017.

BRYAN J. BURHANS,  
*Executive Director*









[Pa.B. Doc. No. 17-1025. Filed for public inspection June 16, 2017, 9:00 a.m.]

## Chronic Wasting Disease; Order of Rescission

### Executive Order

*Whereas*, On May 11, 2016, the Executive Director of the Pennsylvania Game Commission (Commission) issued an executive order titled “CHRONIC WASTING DISEASE—RESPONSE ORDER # 5”; and

*Whereas*, On May 11, 2016, the Executive Director of the Commission issued an executive order titled “CHRONIC WASTING DISEASE—ESTABLISHMENT OF DISEASE MANAGEMENT AREA 2 ANTLEERLESS DEER PERMIT ORDER # 3”; and

*Whereas*, On September 23, 2016, the Executive Director of the Commission issued an executive order titled “CHRONIC WASTING DISEASE—CERVID PARTS IMPORTATION BAN # 10”; and

*Whereas*, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

*Whereas*, On March 28, 2017, the Commission added 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease Restrictions) to give more permanent status and structure to the Chronic Wasting Disease (CWD) requirements and restrictions previously established and maintained over the past decade by and through the above-listed executive orders; and

*Whereas*, On March 28, 2017, the Commission also amended 58 Pa. Code § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to accept Deer Management Assistance Program (DMAP) applications from political subdivisions and government agencies, including the Commission, to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction; and

*Whereas*, This expansion of DMAP was intended, at least in part, to allow the Commission to relocate CWD white-tailed deer population management controls previously established and maintained over the past three years by and through executive order to DMAP; and

*Whereas*, On May 6, 2017, the amendments to 58 Pa. Code §§ 137.35 and 147.673 were published in the *Pennsylvania Bulletin* and became legally effective; and

*Whereas*, The Commission has determined that rescission of the above-listed executive orders is necessary to fully implement these programmatic amendments to the Commission’s CWD program.

*Now Therefore*, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. The previous executive orders titled “CHRONIC WASTING DISEASE—RESPONSE ORDER # 5,” “CHRONIC WASTING DISEASE—ESTABLISHMENT OF DISEASE MANAGEMENT AREA 2 ANTLEERLESS DEER PERMIT ORDER # 3”, and “CHRONIC WASTING DISEASE—CERVID PARTS IMPORTATION BAN # 10” are hereby rescinded in their entirety.

2. This Order is effective immediately and shall remain in effect until replaced by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 1st day of June, 2017.

BRYAN J. BURHANS,  
*Executive Director*

[Pa.B. Doc. No. 17-1026. Filed for public inspection June 16, 2017, 9:00 a.m.]

## Dog Training Activities; Order of Rescission

### Executive Order

*Whereas*, On March 24, 2006, the Executive Director of the Pennsylvania Game Commission (Commission) issued an executive order titled “LIMITED CLOSURE OF STATE GAME LANDS TO DOG TRAINING ACTIVITIES”; and

*Whereas*, On March 28, 2017, the Commission amended 58 Pa. Code § 135.41 (relating to State game lands) to prohibit a person from engaging in dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands; and

*Whereas*, On May 6, 2017, the amendments to 58 Pa. Code § 135.41 were published in the *Pennsylvania Bulletin* and became legally effective; and

*Whereas*, The Commission has determined that the relocation and establishment of the restriction on dog training activities preceding and during applicable pheasant seasons in Section 135.41 has rendered the above-listed executive order redundant, unnecessary and subject to rescission.

*Now Therefore*, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. The previous executive order titled “LIMITED CLOSURE OF STATE GAME LANDS TO DOG TRAINING ACTIVITIES” is hereby rescinded in its entirety.

2. This Order is effective immediately and shall remain in effect until replaced by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 1st day of June, 2017.

BRYAN J. BURHANS,  
*Executive Director*

[Pa.B. Doc. No. 17-1027. Filed for public inspection June 16, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Ashlee Marchese; License Denial Appeal; Doc. No. AG17-05-014

Under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Ashlee Marchese has appealed the denial of an application for an insurance producer’s license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of

Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for July 14, 2017, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 12, 2017. A hearing shall occur on July 28, 2017, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 28, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any shall be filed on or before July 12, 2017.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Human Resources at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1028. Filed for public inspection June 16, 2017, 9:00 a.m.]

### **Certification as an Independent Review Organization; Long-Term Care Benefit Trigger Determinations; Notice 2017-06**

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51) provides a right to appeal a long-term care insurer's determination that a benefit trigger is not met. See section 1111.1 of The Insurance Company Law of 1921 (act) (40 P.S. § 991.1111a). Under Act 51, an entity must be certified by the Insurance Department (Department) to perform an independent review of benefit trigger determinations.

To be certified, an independent review organization (IRO) must: (a) be certified as an IRO in another state, if the other state requires the IRO to meet substantially similar qualifications as those established by the National Association of Insurance Commissioners; or (b) be certified or approved by the Department. To maintain certification, the IRO shall comply with the Act 51 amendments to the long-term care insurance laws and its representations in its application to the Commonwealth or any other state by which it is certified.

The following organizations are approved by the Department to perform independent reviews of long-term care benefit trigger determinations:

LTCI Independent Eligibility Review Specialists, LLC  
1636 North Cedar Crest Boulevard, Suite 107  
Allentown, PA 18104  
Telephone: (800) 878-9579  
Fax: (484) 661-4757  
Contact: Stephen R. La Pierre

National Medical Reviews, Inc.  
260 Knowles Avenue, Suite 330  
Southampton, PA 18966  
Telephone: (215) 352-7800  
Fax: (215) 352-7801  
Contact: Danielle E. Bontcuc, Esq.

MAXIMUS Federal Services, Inc.  
11419 Sunset Hills Road  
Reston, VA 20190-5207  
Telephone: (703) 251-8500  
Fax: (703) 251-8240  
Contact: David Sherman

*(Reviews will be conducted at the following location)*

MAXIMUS Federal Services, Inc.  
50 Square Drive, Suite 210  
Victor, NY 14564  
Telephone: (585) 425-5200  
Fax: (585) 425-5290

This notice is updated as of June 7, 2017.

Questions regarding this notice may be directed to Carolyn M. Morris, Director, Bureau of Consumer Services, (717) 783-9862, camorris@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1029. Filed for public inspection June 16, 2017, 9:00 a.m.]

## **LEGISLATIVE REFERENCE BUREAU**

### **Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-17-014, Dated May 3, 2017. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the PSSU Local 668 SEIU. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution No. CB-17-015, Dated May 3, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the PSSU Local 668 of SEIU. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution No. CB-17-016, Dated May 11, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the United Food and Commercial Workers (UFCW) Union, Pennsylvania Wine and Spirits Council. The Collective Bargaining Agreement



provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

Resolution. No. CB-17-017, Dated May 22, 2017. Authorizes the Collective Bargaining Agreement between the Commonwealth and the Correctional Institution Vocational Education Association (CIVEA), Pennsylvania State Education Association, National Education Association. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016 through June 30, 2019.

#### *Governor's Office*

Management Directive No. 215.16—Contract Compliance Program, Amended May 11, 2017.

Administrative Circular No. 17-05—Closing Instruction No. 2, Fiscal Year 2016-17; Pre-closing at May 15, 2017, Dated May 5, 2017.

Administrative Circular No. 17-06—Closing Instruction No. 3, Fiscal Year 2016-17; Prior Fiscal Year Appropriations Subject to Act 146 Waivers and Encumbrances Carried Forward from Prior Fiscal Years (Including Contracted Repairs), Dated May 5, 2017.

Administrative Circular No. 17-07—Approval of 2017-18 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated May 5, 2017.

Administrative Circular No. 17-08—Closing Instruction No. 4, Fiscal Year 2016-17; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated May 25, 2017.

Administrative Circular No. 17-09—Closing Instruction No. 5, Fiscal Year 2016-17; Year-End Processing Deadlines and an Important Reminder about SAP Budget Period Values, Dated May 25, 2017.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 17-1030. Filed for public inspection June 16, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 3, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2017-2598712. A & M Transportation Services, LLC** (620 West 4th Street, Hazleton, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Luzerne.

**A-2017-2599736. Connections Transportation, LLC** (105 West Third Street, Media, PA 19063) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Philadelphia. *Attorney:* Mark Feinman, 8171 Castor Avenue, Philadelphia, PA 19152.

**A-2017-2602064. Pennsylvania Care Associate, LLC** (501 Washington Lane, Jenkintown, Philadelphia County, PA 19046) persons in paratransit service, between points in the City and County of Philadelphia.

**A-2017-2606787. Shawn Paul Madrid** (6007 Colebrook Road, Palmyra, Lebanon County, PA 17078) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2017-2607203. Western Pennsylvania Amish Hospitality Company, t/a Simple Life Tours** (3459 State Route 956, New Castle, Lawrence County, PA 16105) for the amended right to transport as a common carrier, by motor vehicle, persons in a paratransit service on tours of Amish farms and businesses, from points in Grove City, Mercer County, to points in New Wilmington, Lawrence County, and return.

**A-2017-2607788. Maple Leaf Outfitters, LLC** (P.O. Box 86, Meyersdale, Somerset County, PA 15552) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service by shuttling customers and equipment for the purpose of biking and hiking on the Great Allegheny Passage and in the Laurel Highlands from points in Somerset County, to points in Pennsylvania, and return.

**A-2017-2607797. Safeguard Transportation, LLC** (6787 Market Street, Upper Darby, Delaware County, PA 19082-1848) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Chester, Delaware, Montgomery and Philadelphia. *Attorney:* David M. O'Boyle, Esquire, Wick, Streiff, Meyer, O'Boyle & Szeligo, PC, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.

**A-2017-2607837. Melvin Swisher, Jr.** (5742 Moreland Baptist Road, Unityville, Lycoming County, PA 17774) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Pennsylvania.

**A-2017-2608064. Trans-Med Ambulance, Inc.** (14 Marion Street, Luzerne, Luzerne County, PA 18709) for the amended right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Columbia, Lycoming and Montour, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1031. Filed for public inspection June 16, 2017, 9:00 a.m.]



## Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 3, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. R. Gorski Trucking, LLC; Docket No. C-2017-2602119

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to R. Gorski Trucking, LLC, (respondent) is under suspension effective April 18, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 480 Beaumont Street, Warrior Run, PA 18706.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 19, 2015, at A-8917954.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917954 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/3/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-1032. Filed for public inspection June 16, 2017, 9:00 a.m.]

### Transfer of Indirect Control

**A-2017-2607799 and A-2017-2607800. West Corporation, West Safety Communications, Inc. and West Telecom Services, LLC, transferors, and Olympus Holdings II, LLC, transferee.** Joint application of West Corporation, West Safety Communications, Inc. and West Telecom Services, LLC, transferors, and Olympus Holdings II, LLC, transferee, to authorize the transfer of indirect control of West Safety Communications, Inc. and West Telecom Services, LLC, licensees, to Olympus Holdings II, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 3, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania

Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* West Corporation; West Safety Communications, Inc.; West Telecom Services, LLC; Olympus Holdings II, LLC

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-1033. Filed for public inspection June 16, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than July 3, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants.

**Doc. No. A-17-05-06. Saba Transportation, Inc.** (231 B Milton Avenue, Horsham, PA 19044): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

**Doc. No. A-17-05-07. TinTin Trans, Inc.** (1614 Porter Street, Philadelphia, PA 19145): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-17-05-08. GM Taxi, Inc.** (589 Larchwood Avenue, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-17-05-09. R.S. Bola, Inc.** (101 5th Avenue, Broomall, PA 19008): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-17-05-10. Monsur Trans, Inc.** (347 Huntley Road, Upper Darby, PA 19082): An application

for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-1034. Filed for public inspection June 16, 2017, 9:00 a.m.]

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## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Lea W. Thompson, RN; File No. 12-51-04982;  
Doc. No. 0097-51-14**

On April 24, 2017, Lea W. Thompson, RN, Pennsylvania license No. RN562349, last known of Raleigh, NC, was

revoked based on disciplinary action taken against her by nine other states, failure to report same to the State Board of Nursing (Board) and committing fraud or deceit in the practice of nursing.

Individuals may obtain a copy of the adjudication by writing to Ariel E. O'Malley, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-1035. Filed for public inspection June 16, 2017, 9:00 a.m.]

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